EXTENSIONS OF REMARKS

H.R. 33, DRUG TESTING QUALITY ACT

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. DINGELL. Mr. Speaker, I am pleased to join with my distinguished colleague from Virginia [TOM BLILEY] in reintroducing H.R. 33, the Drug Testing Quality Act. This bill would amend the Public Health Service Act to establish standards for the certification of laboratories engaged in urine drug testing. It will also require drug testing programs to use only certified laboratories, and it will provide comprehensive and uniform regulation of the procedures and methods employed by those laboratories. Finally, it will ensure that the legitimate rights of all interested parties—the test subject, the laboratory, and the program itself—are appropriately protected.

The version of the bill we are introducing today represents a refinement and improvement of similar legislation we introduced in the 101st Congress, also bearing the number H.R. 33. Over the course of the last 3 years, since this issue came to the fore, we have held hearings in the Energy and Commerce Committee and conducted investigations of various drug testing problems brought to our attention. We have worked with the Department of Health and Human Services and with private sector laboratory organizations to help bridge the technical and scientific differences that have divided experts in this field. We have talked to dozens of labs, employers, labor organizations, equipment manufacturers, employee assistance professionals, and other interested parties to obtain comments on the original version of our bill.

H.R. 33 for the 102d Congress represents our best effort to take those comments into consideration, to take account of events in the professional sphere over the last 2 years that have impacted on this field, and still to maintain a fair balance among the interests of all concerned parties. We believe the legislation accomplishes those goals.

Mr. Speaker, the House of Representatives has already spoken on this matter. During consideration of the comprehensive crime control bill on the floor last fall, Mr. BLILEY and I offered as an amendment to that bill the text of the original H.R. 33. It passed the House by a vote of 333 to 86, and it was supported by a majority of Members in each party. We would have liked the opportunity to incorporate in conference the changes reflected in the bill being introduced today. Unfortunately, the press of time at the end of the session and the process by which the crime bill was handled made that impossible.

Nonetheless, we were gratified by the broad show of bipartisan support for our amendment, and we are committed to bringing our efforts to fruition in the 102d Congress. Moreover, given the changes we have made in the bill, it should now be acceptable to an even broader range of interests.

It is important that we not allow discussion of the need for technical and scientific quality standards in drug testing to become muddied by arguments over when, whether, or under what circumstances drug testing can or should occur. These issues have absolutely nothing to do with one another, and H.R. 33 therefore steers clear of that thicket. Anyone who uses lab standards legislation as an excuse to get into the issue of testing itself serves only the interests of those irresponsible parties who would prefer for their own reasons that there be no standards legislation at all.

In fact, the argument over testing has become largely irrelevant as a genuine public policy question. Drug testing has become one of America's growth industries, and to the extent that any serious questions about the imposition of testing exist, they are either constitutional in nature—when can the Government order that tests be done—or a matter for management to work out with labor or resolve on its own. In a small handful of States, testing is restricted in various ways. But most of these State laws were passed in large measure to counter the perception that drug testing is administered unfairly and unreliably.

That perception, widespread in many quarters, remains largely unaddressed today, as does the unfortunate reality that too many players in this game do not know what they are doing. These perceptions will not abate until everyone in the United States—executives, professionals, managers, workers, Government agencies, athletes, social service organizations, and anyone else whose life drug testing has touched—gains confidence in the ability of the system appropriately to protect their livelihoods, careers, and reputations.

For more than 20 years, Mr. Speaker, ordinary medical laboratories have been regulated by the Federal Government and, although errors occur all too frequently, most Americans trust the results of the tests their doctors order. Not so with drug testing labs. While 14 States regulate these operations to one extent or another, the United States has no comprehensive, uniform regulation of the labs or the people who run them.

In fact, to the extent we have any regulation at all, the requirements imposed on the laboratories from States to State, agency to agency, and client to client often conflict, inviting confusion and error. The stigma of a positive result can attach to a test subject in many industries on the basis of a single unconfirmed test, scientifically insufficient to warrant any action. Employers often refuse to spend money for the professional review of lab results needed to make sure that bagel-eaters are not labeled heroin addicts or that dieters are not branded speed freaks.

Even when drug testing programs are administered in good faith, the sheer ignorance of those running the program can be astounding. In one instance investigated by our committee, a nuclear utility plant used its corporate medical officer to review drug test results. For the better part of 30 years, this gentleman practiced oral surgery; while on active naval reserve duty, he also developed a specialty in diving and hyperbaric medicine. But apart from a 1962 military correspondence course in clinical laboratory procedures, his 23-page résumé did not list any significant experience or training in the field of identifying drugs or drug abusers.

Several questions recur anywhere and anytime the specimen bottle is filled: Will a proper chain of custody be established at the point of specimen collection and be preserved throughout the process? Will a qualified lab analyze the specimens? Will the lab's analytical procedures ensure accuracy, integrity, and reliability of results? Will positive results be reviewed by a competent professional to avoid errors? Will appropriate confidentiality be maintained? Will persons harmed by errors have a fair opportunity for redress?

Those questions are not being addressed today in any comprehensive fashion. For that reason, we badly need uniform Federal regulation of drug testing laboratories and programs—not to dictate whether and under what circumstances testing can be done, but to ensure that when it is done, everyone can have confidence in the results.

H.R. 33 is designed to address these serious issues. It continues to use as a model the guidelines promulgated by HHS in 1988 to govern drug testing in the Federal workplace. However, it also provides for some significant departures from those guidelines to reflect the development of an expert consensus on many technical issues over the last 2 years. And it has been significantly refined in many other respects described more fully below.

Mr. Speaker, I want to thank my friend from Virginia [Mr. BLILEY] for his support, cooperation, and involvement in this effort. As I noted when we introduced this legislation together in the last Congress, we have put aside any differences we may have as to the utility and propriety of drug testing in various settings because we share a common goal—assuring that when drug testing is done, the results are reliable, accurate, and fair.

We will be seeking cosponsors again for H.R. 33 and plan to move the bill through our committee and to the floor at the earliest possible date. I hope that our colleagues will continue to support us on this important issue. I ask that a summary of the changes we have made in this version of the bill, together with a complete section-by-section analysis, be printed in the RECORD immediately following this statement.

H.R. 33, DRUG TESTING QUALITY ACT—SUMMARY OF SIGNIFICANT CHANGES IN 102D CONGRESS

Separates the lab certification program from the regulations governing scientific, technical, and procedural requirements applicable to labs.

Provides that with respect to the issues of lab inspection, the monitoring of lab performance, and the conduct of quality control and performance testing programs, the certification program shall be consistent with the recommendations embodied in the Spring 1990 NIDA Consensus Conference Report on Technical, Scientific, and Procedural Issues of Employee Drug Testing.

Requires that HHS establish criteria under which State agencies and private nonprofit accrediting bodies shall be recognized by the Secretary to certify laboratories in accordance with the requirements of the Act, independently or on HHS's behalf, with HHS oversight in either case.

Makes explicit the regulatory authority of HHS to expand the list of drugs specified in the 1988 HHS guidelines, directs inclusion on the list of barbiturates in CSA Schedules I and II, benzodiazepines, and anabolic steroids, and provides a petition process for other drugs.

Clarifies that regulations are not intended to address specimen collection procedures, but requires HHS to publish model procedures and provide technical advice and assistance with respect to proper specimen collection.

Provides that with respect to cutoff levels and certain blind performance testing requirements, the regulations shall be consistent with the recommendations embodied in the Spring 1990 NIDA Consensus Conference Report.

Ensures that no adverse action can be taken against a test subject where a confirmed positive result is not verified by a medical review officer because there exists a legitimate medical explanation for the result consistent with legal drug use or because the result is scientifically insufficient for further action.

Limits criminal penalties to persons performing drug testing urinalyses without the laboratory certification required under the Act.

Limits HHS enforcement responsibilities to laboratories, and provides authority to Attorney General to obtain injunctive relief against others who violate the requirements of the Act.

Clarifies that private right of action is available to address specified significant violations of the Act and not minor or technical deficiencies.

Adds contribution as an available remedy in third-party actions based on consequences of false positive results reported by laboratories, to ensure that labs are not held liable for all monetary sums where other parties may share responsibility for violations of a test subject's rights.

Clarifies that a State agency or private accrediting body recognized by HHS to grant certifications must certify any lab meeting HHS requirements under this Act, regardless of whether the lab would also meet additional requirements for that agency's or private body's own certification or accreditation.

Preempts State and local laws that permit or require any conduct prohibited by this Act.

SECTION-BY-SECTION ANALYSIS OF H.R. 33
(As Introduced January 3, 1991—102d Congress)

A bill to amend the Public Health Service Act to establish standards for the certification of laboratories engaged in urine drug testing, and for other purposes

Section 1. Short Title

This Act may be cited as the "Drug Testing Quality Act".

Section 2. Standards for Certification of Laboratories Engaged in Drug Testing

This section adds to Title V of the Public Health Service Act a new Part E, titled "Drug Testing." The new Part E consists of new sections 551 through 559.

SECTION 551—CERTIFICATION PROGRAM

Subsection (a) of new section 551 requires that the Secretary of Health and Human Services (HHS), not later than one year after enactment, establish a program for the certification of laboratories performing toxicological urinalysis for drug testing programs. Except as provided in subsection (b), this certification program is required to conform, to the maximum extent practicable, to Subpart C of the existing HHS guidelines. Subpart C covers certification of laboratories seeking to perform federal workplace drug testing.

Subsection (b) provides that with respect to the issues of laboratory inspection, the monitoring of laboratory performance, and the conduct of quality control of performance testing programs, the certification program shall be consistent with the consensus of expert scientific and medical opinion on such matters. The determination of what constitutions that consensus is ultimately the Secretary's to make; however, the legislation contemplates that with respect to the issues covered by subsection (b), the Secretary, at least initially, will adopt the recommendations contained in the Consensus Report on Technical, Scientific, and Procedural Issues of Employee Drug Testing, published by the Alcohol, Drug Abuse and Mental Health Administration in the spring of 1990 (HHS Publication No. (ADM) 90-1684).

Subsection (c) requires that the certification program shall also: (1) provide that the Secretary, in considering applications for certification, shall consider whether the applicant has previously owned or operated a laboratory which has had its certification suspended or revoked; (2) include criteria under which the Secretary shall recognize State agencies and private, nonprofit accrediting bodies meeting such criteria to certify laboratories, or to act on the Secretary's behalf in certifying laboratories, in accordance with the requirements of this section; (3) require the Secretary to oversee and review the performance of any such agency or accrediting body recognized by the Secretary; and (4) ensure the Secretary's access to records necessary to the performance of such oversight and review.

Subsection (c) further provides that unless a laboratory engages solely in urine drug testing, the laboratory is required to be certified under the Clinical Laboratory Improvement Act (section 353 of the Public Health Service Act) in order to become certified under this section.

Subsection (d) directs the Secretary to revise the requirements of the certification program to reflect improvements in drug testing methods.

SECTION 552—PROVISIONS TO ENSURE INTEGRITY OF DRUG TESTING PROGRAMS

Subsection (a) of new section 552 requires that the Secretary, not later than one year after enactment, issue regulations to ensure the integrity of drug testing programs. Except as provided in subsection (b), these regulations are required to conform, to the maximum extent practicable, to Subpart B of the existing HHS guidelines. Subpart B covers scientific and technical requirements applicable to federal workplace drug testing.

Subsection (b) requires the regulations to: (1) treat any person conducting a drug testing program in the same manner as Subpart B of the HHS guidelines treats the federal agencies to which it is applicable, except as otherwise provided in this subsection; (2) expand the list of drugs and drug classes for which test methods and cutoff levels are provided under Subpart B to include barbiturates listed in CSA Schedules I and II, benzodiazepines, anabolic steroids, and such other drugs or drug classes as the Secretary determines under subsection (c) may be appropriate; (3) neither require nor prohibit the establishment of a drug testing program, and neither require any person to test nor prohibit any person from testing for any particular drug or class of drugs described in paragraph (2) or subpart B; (4) provide no specimen collection procedures other than those necessary to establish and maintain a proper chain of custody and to provide for transportation of specimens to the laboratory; (5) consistent with the consensus of expert medical and scientific opinion as determined on the Secretary (but based initially on the Consensus Report reference above), establish appropriate cutoff levels for each drug or class of drugs for both initial and confirmatory tests; (6) establish blind performance test procedures for drug testing programs, consistent with the consensus of expert medical and scientific opinion with respect to the number or percentage of specimens to be used for this purpose (based initially on the Consensus Report) and with the need to ensure accuracy, integrity, and protection of the interests of test subjects; (7) provide no interim certification procedures; and (8) allows access by any test subject to certain relevant records.

Although the regulations described above will neither require nor prohibit establishment of a drug testing program, neither require any person to test nor prohibit any person from testing for any particular drug or drug class, and provide no specimen collection procedures except with respect to chain of custody and transportation, subsection (b) contains a savings clause intended to ensure that the requirements of subpart B of the HHS guidelines dealing with these issues will continue to apply to drug testing programs conducted by Federal agencies under E.O. 12564.

Subsection (c) establishes a procedure by which the Secretary, following periodic notice and comment or on petition by an person, may expand the list of drugs and drug classes for which test methods and cutoff levels are prescribed under subsection (b)(2).

Subsection (d) permits the Secretary to take into consideration any special factors or circumstances applicable to the testing of participants in amateur athletic competition that warrant separate or different treatment under the regulations.

Subsection (e) directs the Secretary to revise the regulations issued under this section to reflect improvements in drug testing methods.

SECTION 553—SPECIMEN COLLECTION PROCEDURES

Subsection (a) of new section 553 directs the Secretary to issue model specimen collection procedures within one year after en-

actment for the guidance of drug testing programs other than those conducted by Federal agencies under E.O. 12564. The Secretary is authorized to provide technical assistance and to recommend alternative procedures to address the particular needs or circumstances of interested parties.

Subsection (b) is a savings provision ensuring that the specimen collection procedures contained in Subpart B of the HHS guidelines will continue to apply to drug testing programs conducted by Federal agencies under E.O. 12564.

SECTION 554—PROHIBITIONS

Subsection (a) of new section 554 prohibits any person from performing any toxicological urinalysis in connection with any drug testing program unless that person is laboratory certified under section 551.

Subsection (b) establishes several protections for test subjects by making it unlawful to engage in certain conduct, including breaching the confidentiality of test results (except in certain specified circumstances), knowingly altering or falsely reporting test results, knowingly adulterating urine specimens, knowingly performing or causing to be performed on a urine specimen a test for any medical condition or any substance other than drugs or alcohol without the consent of the person providing the specimen following full disclosure, taking adverse action against any test subject for refusing to give such consent, taking adverse action against any test subject based upon a positive result that has not been confirmed by gas chromatography/mass spectrometry, taking adverse action against any test subject based upon a test result that has not been verified as positive by a medical review officer for specified reasons, or otherwise knowingly failing to administer or conduct any urine drug test or testing program in accordance with the requirements of the certification program established under new section 551 or the regulations issued under section 552.

The prohibition on testing for any substance or medical condition other than drugs or alcohol without prior disclosure and consent is not intended to refer to tests for characteristics of a urine specimen that are integral to assuring the integrity of the drug test itself, such as tests for pH, specific gravity, or creatinine.

SECTION 555—SANCTIONS AND REMEDIES

Subsection (a) of new section 555 provides criminal penalties for any person performing a toxicological urinalysis in connection with any drug testing program who is not a laboratory certified under section 551.

Subsection (b) provides for civil penalties, to be assessed by the Secretary, on any laboratory performing a toxicological urinalysis in connection with any drug testing program that violates any regulation issued under section 552. The Secretary is required to refer violations committed by persons other than laboratories to the Attorney General for further investigation and appropriate action.

Subsection (c) authorizes the Secretary or Attorney General, as appropriate, or any aggrieved person, to bring actions in federal district court to restrain violations of section 554(a) or any regulation issued under section 552.

Subsection (d) authorizes any test subject who is tested, or whose test results are handled, in violation of, or is deprived of rights because of a violation under, section 554(a) or 554(b)(1)–(7), or who is adversely affected by a material breach in an applicable chain of custody under section 552, to bring a civil action in federal district court for appropriate legal and equitable relief, including employment, reinstatement, promotion, the payment of lost wages and benefits, and damages.

Subsection (e) authorizes an action to be brought against a laboratory to provide indemnification or contribution, as appropriate, by any person conducting a drug testing program who is found liable to a test subject because of adverse action taken against the test subject on the basis of a false positive result. It is *important to note that the bill's definition of the term "false positive" has been written to avoid any implication that a medical review officer's verification of a true positive could result in a judgment for indemnification or contribution against a laboratory, even where that verification was improper. Thus, for example, a test subject who suffers adverse action after testing positive for opiates despite his explanation that the test result was based on consumption of poppy seed bagels might have a claim under the bill against the person conducting the drug testing program. However, if that person recovered damages, the defendant would not then have a claim against the laboratory under the bill for indemnification or contribution because the test result was not a "false positive" as defined in the bill.*

SECTION 556—CONSTRUCTIONS

Subsection (a) of new section 556 permits test subjects and their representatives to contract for standards, procedures, or requirements more protective of test subjects then those provided under the certification program or under section 552. Similarly, this subsection provides that nothing in the new Part E limits the authority of the Secretry to permit an agency or accrediting body recognized by the Secretary to permit an agency or accrediting body recognized by the Secretary under section 551 to maintain standards, procedures, or requirements more protective of test subjects than those provided under the certification program or under section 552.

Subsection (b), however, prohibits an agency or accrediting body described above from denying certification under section 551 to any laboratory complying with the standards, procedures, and requirements established by the Secretary under section 551. Therefore, while a laboratory may not seek approval from such an agency or accrediting body recognized by the Secretary under that authority's own standards, the agency or accrediting body would be required to grant a section 551 certification to any laboratory meeting section 551's requirements.

Subsection (c) provides that new Part E shall supersede the HHS guidelines and any other relevant law to the extent that it imposes standards, procedures, or requirements more protective of test subjects.

SECTION 557—PREEMPTION

Subsection (a) of new section 557 prohibits States and local governments from adopting or enforcing any law relating to the certification of drug testing laboratories, or relating to requirements for the conduct of drug testing under the certification program, which is different from such certification program.

Subsection (b) prohibits any State or local government from adopting or enforcing any law that permits or requires any act prohibited by section 554.

SECTION 558—FEES

New section 558 establishes a system of certification fees to ensure that this Act will be budget-neutral. The fees are authorized to be used, subject to appropriations, to administer the program, regulations, and activities provided for in the Act.

SECTION 559—DEFINITIONS

New section 559 defines the following terms: blank specimen, controlled substance, drug, drug testing program, false positive result, person, performance testing, spiked specimen, test subject, and toxicological urinalysis.

Section 3. Effective Date

Except as specified below, the provisions of the bill would take effect on the date of enactment. The prohibitions on (1) the use of a non-certified laboratory, (2) the disclosure of test results by a person involved in drug testing or a drug testing program, and (3) the administration or conduct of any drug test or drug testing program except in accordance with the requirements of the certification program under section 551 or the regulations issued under section 552, would not take effect for one year following the establishment of the certification program under section 551.

INTRODUCTION OF H.R. 33

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BLILEY. Mr. Speaker, today I am pleased to join the gentleman from Michigan, the chairman of the Committee on Energy and Commerce, Mr. DINGELL, in introducing H.R. 33, the Drug Testing Quality Act. This legislation is similar to legislation we introduced in the last Congress which bore the same number.

While similar to last Congress' H.R. 33 in many respects, this new legislation contains many significant changes which are a direct result of testimony received at the Subcommittee on Health and the Environment's hearing on H.R. 33. It also attempts to address some of the concerns of business and labor groups which were raised during numerous meetings on this subject. Since the gentleman from Michigan has addressed many of these changes in his statement, I will not discuss them in detail.

As in the last Congress, this legislation is premised on the belief that individuals who undergo drug testing are entitled to have such tests analyzed by laboratories that meet reasonable quality standards.

The legislation this year as in the last Congress is based on a couple of key principles. First, this amendment neither encourages nor discourages drug testing. It does not address under what circumstances drug testing is or is not appropriate. The existing right of an employer to remove from the job an employee who may be impaired would not be affected. The bill does prohibit an employer from taking adverse action against an employee based on a positive screen that has not been proven by a confirmatory test.

The employer is not prohibited from taking action against an impaired employee provided such action is not based on an unconfirmed drug test. Thus, the bill preserves the right of employers to get impaired employees out of safety sensitive jobs immediately, following

which the employer may pursue its usual procedures with respect to future employment.

Second, this legislation is based on the belief that drug testing must be conducted according to realistic standards that ensure that laboratories will analyze the tests accurately. We all know the potential for ruining lives and reputations based on faulty drug tests.

Mr. Speaker, this legislation is not perfect. We have met with representatives of many industry and labor groups that have suggested possible improvements to last Congress' legislation. We have attempted to incorporate many of those concerns into this legislation. We are anxious to work with all interested parties to pass reasonable and responsible drug testing legislation.

I urge my colleagues to join in cosponsoring this important legislation.

FEDERAL CUSTODIAL RESPONSIBILITY ACT OF 1991

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CONTE. Mr. Speaker, I rise to reintroduce the Federal Custodial Responsibility Act. This bill would release Federal agencies from Superfund liability whenever they buy collateral at a foreclosure sale in order to hold the property in a custodial manner for resale. This would remedy a situation where Federal agencies, exercising their legitimate fiduciary responsibilities, are being held responsible for cleanup costs for environmental hazards they had no part in creating.

The Federal Custodial Responsibility Act amends section 101(20)(A)(iii) of CERCLA to exempt Federal agencies, departments, or instrumentalities from the definition of owner or operator for purposes of liability whenever title or control is conveyed due to bankruptcy, foreclosure, tax delinquency, or abandonment. I am pleased to say that two of my distinguished small business colleagues, ANDY IRELAND and IKE SKELTON, are joining me in reintroducing this critical legislation.

Mr. Speaker, this problem first came to my attention in 1989 when the Small Business Committee held a hearing on Superfund liability and its impact on small business financing. A key panelist at that hearing was Sally B. Narey, General Counsel, U.S. Small Business Administration who discussed the problems CERCLA created for the SBA, indeed for all Federal agencies. My bill, The Federal Custodial Responsibility Act is a direct result of her testimony. Her testimony addressed the problem directly and succintly, and I enclose a copy of her remarks for the RECORD. I urge all my colleagues to join me and ANDY IRELAND and IKE SKELTON in cosponsoring the Federal Custodial Responsibility Act of 1991.

STATEMENT OF SALLY B. NAREY, GENERAL COUNSEL, U.S. SMALL BUSINESS ADMINISTRATION BEFORE THE COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, AUGUST 3, 1989

I want to thank the Committee for the opportunity to address the issues raised by Chairman LaFalce in his recent letter to Administrator Engeleiter. At the request of the Administrator, it is my privilege, as General Counsel of SBA, to appear before this Committee today on behalf of the Agency. The focus of this hearing is of great interest. The Small Business Administration has heard from small businesses about the problems which have arisen for them and their lending institutions under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, or, as it is more commonly known, CERCLA or Superfund. They have also expressed complaints about similar problems created by other related Federal laws, and by numerous environmental statutes which have been adopted by the states. These problems are of significance to SBA because they directly impact upon our programs of financial assistance to small businesses. It is clear that solutions to these problems are urgently needed.

IMPLICATIONS FOR LENDERS AND SMALL BUSINESSES

Under Section 107(a) of CERCLA, among those persons who may be held to be liable for the cleanup costs of a hazardous waste site, are the owner or operator of that site. The application of that provision in the lending context has caused such concern among lenders to small businesses that it has diminished their interest in making financing available. It has resulted in a growing reluctance by lenders to extend loans to small businesses out of the fear that if a small business should fail, and its lender take possession of the debtor's assets through foreclosure, settlement, or a bankruptcy proceeding, the lender, as an "owner" under CERCLA, is likely to be required to bear the costs of any necessary environmental cleanup.

Because of this potential liability, a prudent lender will often request an environmental audit of the potential borrower's property upon submission of a loan application. This can cost several thousand dollars. Small businesses, certainly those seeking SBA financial assistance, generally do not have sufficient funds to incur the cost of such audits and may be deprived of the opportunity for financing. On the other hand, if lenders finance these audits, it is likely that interest rates on loans to small businesses will rise to offset the cost. If this should occur, some otherwise creditworthy small businesses may simply not be able to bear the costs of higher periodic loan payments and, as a result, may not be able to afford financing.

Additionally, small businesses, especially fledgling enterprises, are likely to benefit from their lender's financial and entrepreneurial advice after a loan has been made. The lenders also want to keep an eye on such businesses. Yet, out of concern that they may be viewed as participating in the day-to-day operation of the borrower to such a degree as to be considered an owner or operator liable under CERCLA, lenders may determine that it is best not to offer advice to inexperienced small businesses. If unable to protect their investments, these lenders may simply decide not to extend financing.

Finally, many small businesses have little collateral beyond land, buildings, machinery and equipment. But those are the very items of collateral most likely to be tainted if hazardous waste is, or becomes, present on the property. Once again, a lender may seek to avoid involvement in a loan to a small business for fear that the collateral obtained to secure such a loan is likely to become tainted and, ultimately, become valueless or give rise to cleanup costs should the lender take ownership of the collateral. As you are aware, cleanup liability can be imposed without any degree of fault on the part of the lender. This potential outcome may be sufficient to dissuade many lenders from ever getting involved in loans to small businesses.

IMPLICATIONS FOR SBA

If a small business cannot obtain a loan from a bank, it may seek an SBA-guaranteed or direct loan. SBA itself does not have the expertise or funds to conduct environmental audits to determine the propriety of Agency involvement in a particular loan transaction. Similarly, if a participating lender asks SBA to honor its guaranty and buy its share of a guaranteed loan, SBA has no ability to determine if the bank has acted prudently in its treatment of environmental issues. Nor is SBA able to discern if the collateral for the loan has become tainted during the life of the loan. Finally, we note that at least one court case has raised the issue of potential cleanup liability as a result of advice provided a borrower by SBA employees.

SBA is currently faced with potential cleanup liability once it buys in collateral at a foreclosure sale upon default of an SBA borrower. When SBA honors a guaranty the collateral for the loan is assigned by the lender to SBA and either the Agency or the lender, acting at the request of the Agency, proceeds to liquidate the collateral. When SBA liquidates a direct loan it proceeds on its own with respect to its collateral. Often it is deemed appropriate by SBA that it buy in collateral at foreclosure in order to hold the property in a custodial manner for future resale in order to minimize the government's loss on the default.

Under CERCLA and other similar laws, it is possible that such buy ins by SBA may make it the owner of the subject property and, as a result, potentially liable for cleanup costs. Even though the SBA is a government lending agency, mandated to become involved in risky loans, mandated to attempt to minimize the government's loss upon a borrower's default, and certainly not motivated by profit, SBA may be found to be a party responsible for Superfund cleanup costs.

SBA does not buy in property for the purpose of building up a portfolio. SBA does not hold property for proprietary reasons. SBA takes possession of collateral and holds it in a custodial manner in an effort to secure a later recovery for the government. SBA attempts to sell such bought in property as quickly as possible.

Mr. Chairman, the problems I have outlined are very real. SBA is presently finding itself involved in hazardous waste sites around the country as a result of its loan programs. In one situation, where SBA obtained collateral through foreclosure, we are now being sued by a state environmental agency. SBA now faces the possibility of spending unknown amounts of money for site cleanups simply because of foreclosure actions taken to minimize the government's loss following the default of a small business borrower. We have apprised EPA of our concerns, and we are pleased to have the opportunity to express them to you today.

This concludes my prepared remarks. I will be pleased to answer any questions you may have.

INTRODUCTION OF THE MERCHANT MARINERS FAIRNESS ACT OF 1991

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. FIELDS. Mr. Speaker, it is an honor for me to introduce on this the first day of the new 102d Congress the Merchant Mariners Fairness Act of 1991. I am also pleased that several of our colleagues have joined with me in this important effort.

Mr. Speaker, the purpose of this legislation is twofold. First, it will correct a major injustice that has been perpetrated on thousands of Americans who proudly served in our U.S. merchant marine during World War II.

And, second, it will clarify the intent of the Merchant Marine Act of 1936 to ensure that our cargo preference laws are fairly and accurately enforced.

Let me describe why it is essential that Congress enact this legislation.

While it is now more than 40 years since the end of World War II, there are still many Americans who served in the U.S. merchant marine who have not received any recognition or benefits for the vital role they played in that conflict.

Unlike their brothers in uniform, America's merchant seamen came home to no ticker-tape parades. They came home to no celebration. In fact, little, if anything, was said about the contributions they made to defeating the Axis powers, keeping Europe and Asia free, and preserving our freedom here in the United States. Worst, these merchant seamen came home to none of the benefits enjoyed by the men and women who served America in uniform.

Mr. Speaker, we know that 270,000 merchant seamen helped deliver troops and war material to every Allied invasion site from Guadalcanal to Omaha Beach. They also transported our troops back home to the United States and, when that task was completed, they carried food and medicine to millions of the world's starving people. The price they paid to keep us free was high: 733 U.S. merchant ships were destroyed; 6,632 seamen were killed, and 609 merchant mariners were taken as prisoners of war. Indeed, their casualty rate was only one-tenth of 1 percent lower than our Marine Corps, which experienced the highest casualty rate of any branch of the military services.

President Franklin Roosevelt noted that our merchant mariners were men who "returned to their jobs at sea again and again, because they realized that the lifelines to our battlefront would be broken if they did not carry out their vital part in this global war."

Gen. Dwight D. Eisenhower, commenting after the Normandy invasion in 1944, said that: "When final victory is ours, there is no organization that will share its credit more deservedly than the merchant marine."

Gen. Douglas MacArthur emphatically stated that: "They have contributed tremendously to our success. I hold no branch in higher esteem than the merchant marine service."

Finally, Adm. Chester Nimitz said that: "Without these merchant ships wholly devoted to winning the war, our substantial progress would not have been possible."

Mr. Speaker, despite these well-deserved accolades, unfortunately, our merchant seamen became the forgotten patriots of World War II.

While there have been attempts over the past 40 years to legislatively provide veterans status to these merchant seamen, each of those efforts failed.

A prominent advocate of such legislation was Congressman Thomas Joseph Lane of Massachusetts. In fact, on October 8, 1945, Congressman Lane made one of the most eloquent statements on behalf of our World War II merchant mariners. Congressman Lane noted that: "Men of the merchant marine were the first to fight and the first to die. They, above all others, saved England when she stood alone against Nazi aggression and was but a few weeks away from the starvation which meant certain defeat. In those dark days the merchant marine was our last and only hope."

"Theirs was a constant, nerve-wracking vigil against enemy ambush that was frequent, swift and deadly. Many ships went down with many men. But the lines never faltered. Their war service, constantly exposed to enemy action, was indispensable to victory."

Mr. Speaker, Congressman Lane was absolutely correct in his assessment. These men paid a tremendous price in fighting for us, but have been forgotten by us.

It is also significant to remember that in October 1941, President Roosevelt asked the Congress to enact legislation to lift the ban on arming merchant ships. Less than 1 month later, Congress approved such legislation.

In addition, President Roosevelt issued an Executive order establishing the War Shipping Administration [WSA] on February 7, 1942, as a civilian Federal agency within the Executive Office of the President. By that order, all of the functions, duties and powers conferred upon the U.S. Maritime Commission with respect to the operation and requisition of vessels were transferred to the WSA. In short, our merchant seamen became employees of the United States.

With that background, we move forward to October 2, 1987, a day which will long be remembered by all World War II merchant seamen. On that day, U.S. District Court Judge Louis S. Oberdorfer declared that the Pentagon's previous decisions to reject veterans status for World War II merchant seamen were "arbitrary and capricious and—not supported by substantial evidence."

As a result of this landmark court decision, then Secretary of the Air Force Edward C. Aldridge, Jr., issued a statement on January 19, 1988, which stipulated that service of the "American merchant marine and oceangoing service during the period of armed conflict, December 7, 1941, to August 15, 1945" should be considered active duty for purposes of all laws administered by the Veterans' Administration.

While I am pleased that our Government has granted veterans status to some of our forgotten merchant mariners, the Secretary's decision to exclude those seamen who did not have an oceangoing voyage prior to August 15, 1945, is unjustified and cruel.

By establishing a so-called "period of armed conflict," the Secretary has made a flawed decision which has no basis in law. The term "period of armed conflict" does not appear in Judge Oberdorfer's 34-page decision and there is no documentation, no evidence and no justification for the August 15, 1945, date.

By selecting these dates, Secretary Aldridge has unfairly penalized thousands of Americans who served in our Nation's merchant marine during 1945 and 1946.

Based on discussion with the U.S. Coast Guard, there are three categories of merchant mariners who are adversely affected by Secretary Aldridge's decision. These include: those who served in the U.S. merchant marine before August 15, 1945, but did not have any oceangoing voyages prior to that date; those merchant seamen who were in military training on August 15, 1945; and those who were inducted into the merchant marine after August 15, 1945.

Mr. Speaker, it is my understanding that there are over 3,000 merchant seamen whose applications for veterans status have been rejected by the Coast Guard because of Secretary Aldridge's decision.

While I have been contacted by a number of them, each shared the common characteristic of love of country and a commitment to serve during one of the most difficult periods in our Nation's history.

Most of these men could have, because of their young age, simply chosen to avoid service during World War II. However, they chose not to and we must not, even in this late hour, forget them.

Mr. Speaker, let me tell you why all merchant mariners who served between December 7, 1941, and December 31, 1946, should be granted veterans status. They have earned that right for the following reasons:

First, the War Shipping Administration [WSA] was in control of all ship movements far beyond the arbitrary date of August 15, 1945. In fact, the WSA did not go out of existence until August 31, 1946. Until that time, these merchant mariners traveled under sealed orders on ships which were under the direct military control of the U.S. Navy.

Mr. Speaker, those ships were not taking pleasure cruises. They were transporting desperately needed supplies, including medicine, to countries that had been devastated by war. The ships and their crews traveled through heavily mined waters, like the Mediterranean Sea, and on more than one occasion merchant ships were sunk by mines.

In fact, there were at least 11 U.S. merchant vessels damaged or lost after August 15, 1945. One of those was the SS *Jesse Billingsley,* which was hit by a mine off the coast of Trieste, Yugoslavia, on November 19, 1945. One U.S. merchant mariner lost his life in that explosion.

In addition, we must remember that for the U.S. merchant marine, the war did not end on August 15, 1945. Defense shipping actually increased after that date to 1,200 sailings in December, 1945, as compared to the World War II monthly peak of 800.

Second, while the Japanese indicated their desire to surrender on August 15, 1945, the situation facing the U.S. merchant marine did not radically change on that date. In fact, I

have a copy of a telegram sent on August 15, 1945, by the U.S. Naval Pacific Command which states that "for all merchant vessels in the Pacific Ocean areas, Japan has surrendered. Pending further orders, all existing instructions regarding defense, security, and control of merchant shipping are to remain in force. Merchant ships at sea, whether in convoy or sailing independently, are to continue their voyages."

Third, it was not until December 31, 1946, that President Harry Truman declared in a press conference that he was issuing Proclamation 2714, which states that "although a state of war still exists, it is at this time possible to declare, and I find it in the public interest to declare, that hostilities have terminated."

Fourth, it was not until January 1, 1947, that the U.S. Coast Guard was returned to the Treasury Department from the Department of the Navy.

Mr. Speaker, this is further evidence that World War II was not over on August 15, 1945, since the Coast Guard Act of 1915 unambiguously declares that "the Coast Guard shall constitute a part of the military forces of the United States and shall operate as a part of the Navy in time of war."

And, finally and most importantly, all of our Federal laws that affect those who served during the World War II period use the date December 31, 1946.

Mr. Speaker the August 15, 1945, date simply has no basis in law. In fact, the overwhelming preponderance of evidence suggests that the correct and only relevant date is December 31, 1946.

Although I do not question the motives of the Secretary of the Air Force, justice demands that Congress finish the job which Secretary Aldridge began. That is the key purpose of this legislation: to extend veterans status to all merchant mariners who served our country's war effort between December 7, 1941, and December 31, 1946.

While our merchant seamen received letters, ribbons, and other citations for their outstanding service, they are entitled to more than just these tokens of service. They deserve not only our respect, but they deserve to be treated in exactly the same manner as all other World War II veterans.

The second purpose of this important legislation is to amend the Merchant Marine Act of 1936 to ensure that our cargo preference laws are interpreted to include components or ingredients of equipment, materials, commodities, or supplies that are required to be shipped on U.S.-flag vessels.

Unfortunately, there have been certain instances in recent years where Government agencies have attempted to circumvent the intent of our cargo preference laws by creatively finding ways, like excluding components, to avoid implementing them.

Mr. Speaker, the single purpose of our cargo preference laws is to guarantee that a certain percentage of our Government cargo is transported on U.S.-flag vessels. These are not ambiguous or confusing statutes and the purpose of my legislation is to remove any lingering confusion about what is covered by our cargo preference laws.

Frankly, I do not view this amendment to the Merchant Marine Act as a significant modification but simply a clarification of what Congress had always intended would be covered by this act.

Mr. Speaker, this is not the first time I have introduced the Merchant Mariners Fariness Act. In fact, this proposal is virtually identical to H.R. 44, which I proposed in the previous Congress, and which was unanimously adopted by the House Merchant Marine and Fisheries Committee on two separate occasions.

In addition, this legislation has been cosponsored by a number of our colleagues in the House and it has received the enthusiastic support of thousands of Americans.

The only difference in the bill I am introducing today and the one reported by the Merchant Marine Committee is the incorporaton of a new section which would require those seeking veterans status to pay a one-time processing fee of $30. This is in response to information provided by the Coast Guard which has indicated it cost them $30 to review an application for veteran status. In short, my bill would eliminate any administrative costs involved in implementing this legislation.

Mr. Speaker, after more than 40 years, it is time we gave these merchant marine patriots the recognition they have long deserved.

While I am pleased to reintroduce this legislation and would like to thank our colleagues, HELEN BENTLEY, NORM LENT, GREG LAUGHLIN, JIM SAXTON, HARLEY STAGGERS, JOHN RHODES, DEAN GALLO, ED FEIGHAN, BILL HUGHES, JOHN MILLER, BILL RICHARDSON, and OWEN PICKETT for joining with me in this effort, I hope we can soon enact this bill into law so that these individuals can live out the rest of their lives in dignity.

Mr. Speaker, now is the time for Congress to approve the Merchant Mariners Fairness Act of 1991.

A TRIBUTE TO ELAINE WYNN

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to a woman who is not only a credit to the Las Vegas community, but has greatly enhanced the lives of the hundreds of children she has come into contact with. I speak of Elaine Wynn.

These words come on the eve of a very special occasion. On January 10, 1991, the elementary school on Edna Avenue, in the city of Las Vegas, will be officially dedicated as the Elaine Wynn Elementary School. This is a well deserved honor for a woman of the caliber of Elaine Wynn.

A native of New York City and a graduate of George Washington University, Mrs. Wynn has not only excelled as a wife and mother but also in business, cultural and service roles within the Las Vegas community. She holds positions ranging from director of Golden Nugget, Inc., and the Nathan Adelson Hospice to former cochairperson of the United Way Campaign and board member of the Nevada Institute for Contemporary Art. She has been honored as the 1984 Woman of the Year by the Nevada Dance Theater and received the Easter Seals Silver Lilly Award for her charitable work in the community.

Yet, every Friday, she takes time out of her busy schedule to spend the afternoon with the children of her namesake school. Whether it is eating with the children, helping in the physical education classes, or teaching them how to dance, she has become an integral part of the school community. She has donated thousands of dollars in books and educational materials to the school. In addition, she has become concerned with improving efforts to motivate students with low self-esteem.

Whether it be in the classroom or in the community at large, Elaine Wynn has been a benefactor to the children and the community of Las Vegas. The dedication of the Elaine Wynn Elementary School is a richly deserved honor for this outstanding woman. It is my hope that others will follow in her example and continue to show us how much of a difference we can truly make in our communities.

PLASTIC CONTAINER IDENTIFICATION ACT OF 1991

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. SNOWE. Mr. Speaker, today I am reintroducing legislation that I sponsored during the 101st Congress and which is aimed at improving the ability to recycle plastic containers by establishing a national marking and coding identification system for plastic resins.

I believe the need to expand the recycling of plastic products is clear: plastics constitute the most rapidly growing segment of the national solid waste stream. As we address the current solid waste crisis, and at a time when one-third of all landfills will close within several years, recycling of plastics and other products is a key ingredient toward a comprehensive Federal program designed to assist States and local governments.

Such a coding system, first proposed by the plastics industry, has already been adopted by several States, and many additional States, including Maine, are now also studying the merits of such a system. By requiring such a coding system for plastic containers on a national level, this legislation will facilitate an expansion in the volume of plastic products, and in the reuse of plastic resins by manufacturers.

The Plastic Container Identification Act imposes a simple identification system, which the plastics industry would be required to adopt by January 1, 1993. Other basic provisions of this bill are as follows:

All plastic containers sold must be marked with a molded symbol, identifying its resin content, to ease separation for recycling.

Six easy-to-read marking symbols would be used, covering most of the plastic containers now in wide use.

Violators would be penalized under the rules for food established by the Federal Food, Drug, and Cosmetic Act.

The Environmental Protection Agency must submit a report to Congress within 6 months

on: First, a promotion and education plan to support this coding system, and the recyclability of plastics of all kinds and; second, recommendations on policies to reduce the amount of nonrecyclable and nonbiodegradable plastic used in the manufacture of plastic used in the manufacture of plastic products.

The annual volume of plastics entering the municipal solid waste stream is growing at an alarming rate, from a level of 800 million pounds in 1960 to over 21 billion pounds today. The use of plastic resin products has grown during this same time period from a level of 6.3 billion pounds to an estimated 57 billion pounds.

Growing public concern about the prevalent use of plastic packaging and their effect on the environment necessitates a more sensible use of plastics, starting with efforts to greatly expand their recyclability. Today, over 20 percent of plastic soda bottles are already recycled. Expanding this level to make recycling economically viable for most other plastic containers can be accomplished, but requires large quantities of plastics that are homogeneous by resin type.

Mr. Speaker, I urge my colleagues to cosponsor and support the Plastic Container Identification Act, as one important remedy to our national problem with solid wastes.

INTRODUCTION OF THE COMPREHENSIVE LONG-TERM CARE INCENTIVES ACT OF 1991

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RHODES. Mr. Speaker, today I am reintroducing my Comprehensive Long-Term Care Incentives Act of 1991, to promote a private-public partnership to stimulate the long-term care market.

In the larger debate over health care, long-term care has quickly become a costly and compelling concern for everyone. Older Americans and their children fear becoming destitute and demoralized by a disabling illness. Long-term care policy requires incentives and options to succeed, not another ill-conceived bureaucratic entitlement program. Planning ahead for the possible expenses of chronic care must become a customary rite of aging.

I wrote an article for the December, 1990 issue of Chief Financial Officer [CFO] magazine describing the public-private partnership long-term care concept embodied in my legislation (H.R. 5090). In response to that article, a life insurance planning manager in Portland, OR, wrote in a letter to Senator MARK HATFIELD and others as follows:

ROBERT HEESTAND & ASSOCIATES,
Portland, OR, December 6, 1990.

Re: H.R. 5090—Long Term Care Insurance.

Senator MARK HATFIELD,
Hart Building, Washington, DC.

DEAR SENATOR HATFIELD: I am writing today in response to the enclosed article about Long Term Care Insurance written by Rep. John T. Rhodes III. This proposal is on the cutting edge of progressive federal policy and should be viewed in a serious and thoughtful manner.

There is ample evidence that this will not go away. An incentive approach makes more sense than a costly and inefficient addition to the Medicare program. There is ample evidence as well that employer sponsored benefits, even when provided on a voluntary basis, are widely accepted by the general public.

You have an opportunity to craft a piece of legislation today that could perhaps head off a collision with the growing numbers of the elder population who will demand that the Federal Government take care of this problem through the entitlement system.

The insurance industry is ready to play an active role in this. Our informal research has shown that people are concerned and interested in addressing the issue. Let's solve this problem now with a partnership of the private and public sectors

Sincerely,

WILLIAM J. HEESTAND.

Mr. Speaker, my legislation responds to the near-universal desire of frail and chronically ill persons to remain in familiar surroundings, with control over their lives, whenever possible. This bill shifts the institutional bias of Medicare and Medicaid, as well as private long-term care policies, by providing incentives for utilizing home and community-based care.

I congratulate the Congress in working toward reform in this area by restoring Medicare mammography screening, extending in-home respite care, expanding hospice care, instituting stronger Medigap insurance fraud and abuse penalties and a Medigap consumer hotline, and for providing home intravenous drug therapy benefits as part of the Omnibus Budget Reconciliation Act [OBRA] of 1990.

Those were important steps forwarded toward meaningful LTC. But, frankly, more needs to be done. Private insurance companies and businesses have shown their willingness to become actively involved in long-term care. My legislation provides needed incentives that would promote the development of responsive and thoughtful long-term policies.

I urge my colleagues to join me in support of this important legislation. The following is a description of the legislation I am introducing today:

RHODES "COMPREHENSIVE LONG-TERM CARE INCENTIVES ACT OF 1991"

(Background and Explanation, January 3, 1991)

This bill is a modified version of H.R. 5090, the "Comprehensive Long-Term Incentives Act of 1990", which Congressman Rhodes introduced in the 101st Congress.

Several LTC provisions contained H.R. 5090 were subsequently incorporated in identical or similar form in the Omnibus Budget Reconciliation Act (OBRA) of 1990 (H.R. 5835/P.L. 101-508), and the National Affordable Housing Act (S. 566/P.L. 101-625).

The portions of H.R. 5090 included in OBRA '90 are:

Restore Medicare Mammography Screening.

Extend In-home Respite Care.

Expand Hospice Care.

Reimbursement for Certain Intravenous Drug Therapy Services.

Medigap Insurance Fraud and Abuse Protections/"Hotline".

The portion of Rhodes' H.R. 5090 which was incorporated in the National Affordable Housing Act of 1990 was:

Concept of Reverse Mortgage which could be used to help acquire LTC insurance coverage (Demonstration Project).

Congressman Rhodes was pleased that many of these important LTC related provisions which were included in his original H.R. 5090, were subsequently incorporated in the Reconciliation and Housing bills. Those are important steps forward. However, more remains to be accomplished to provide further incentives for the development of and purchase of much needed LTC for seniors and others who find themselves burdened with unforeseen and financially devastating health care challenges.

The modified Rhodes LTC incentives bill which is being introduced today, is essentially identical to H.R. 5090, except for the provisions that have already become law.

The following provisions are included in the "Comprehensive Long-Term Care Incentives Act of 1991".

TITLE I—TAX TREATMENT OF LONG-TERM CARE (LTC) INSURANCE PLANS

Treatment of LTC Insurance

A. Amends the Internal Revenue Code (IRC) to treat qualified LTC insurance the same as accident and health insurance for purposes of tax deductions on individual income tax returns.

B. Allows employers under the IRC to offer employees qualified LTC insurance as a tax-free fringe benefit. The employer contribution would be deductible.

C. Excludes from gross income amounts withdrawn from Individual Retirement Accounts (IRAs) or 401(k) Plans for purposes of purchasing qualified LTC insurance.

D. Allows the non-taxable exchange of life insurance policies for qualified LTC insurance.

Employer Funding of Medical Benefits

A. Encourages companies to establish health benefit accounts for retirees and their spouses and dependents. Provides a tax deduction for the employers' contributions to the accounts.

B. Defines funded reserve accounts and vesting requirements to qualify for tax deduction of premiums paid, including special rules (excise tax) on allocated assets not used to provide retiree health benefits.

Reverse Mortgage Insurance for Older Americans

A. Technical amendment to the National Housing Act's home equity conversion mortgage insurance demonstration project providing that the long-term care insurance purchased cannot exceed 95% of the cost of a median priced single family home (as determined by the Secretary of health and Human Services).

Income Tax Credits

A. Provides a $2000 refundable credit for custodial care of certain dependents in the taxpayer's home.

B. Allows a taxpayer to receive a refundable credit for expenses for LTC services provided to certain independent persons requiring such care. This is a credit against tax imposed in the amount equal to 25% of the qualified LTC expenses, not exceeding $2000, but only permitted for those below 150% of the proverty level.

TITLE II—FEDERAL NATIONAL LONG-TERM REINSURANCE CORPORATION

A. The Secretary of Health and Human Services shall authorize the incorporation of the Federal LTC Reinsurance Corporation, which will have a Board of Directors consisting of nine persons; three appointed by the

President of the United States, and six elected annually by the stockholders.

B. The Corporation shall provide for the reinsurance of insurance companies for extraordinary loss in the payment of benefits for qualified LTC insurance. Exempts the Corporation from State regulation and tax liability for the purposes of stimulating the private LTC insurance market. The Corporation shall terminate after 10 years.

IN HONOR OF FRANK B. CAPONE OF HOLMES, PA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to Frank B. Capone, who on the 15th of this month will be installed as the 68th State president of the Pennsylvania Association of Realtors.

Mr. Capone has been active in the real estate business for over 30 years. As a member of the Delaware County Board of Realtors, he chaired or served on every committee of the board, one of which received a commendation from Governor Thornburg in May 1981 for its program to fight alcohol and drug abuse. His dedication led him to the position of board president in 1981 and realtor of the year in 1982.

Mr. Capone has served his fellow Pennsylvania realtors well and is most deserving of this recognition and honor. His chairmanship of the Standard Forms Committee and his service as vice president in 1984 and 1985 were invaluable to the continued growth and strength of the Pennsylvania Association of Realtors.

Mr. Speaker, Mr. Capone has brought guidance and leadership to the realtors of Pennsylvania and will continue to do so as he assumes the presidency of this outstanding organization. I am proud to join with nearly 30,000 Pennsylvania realtors in paying tribute to this exceptional man and extending my best wishes to him.

CONGRESS' REAFFIRMATION OF THE SECOND AMENDMENT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, today I have once again introduced legislation to reaffirm congressional support for the second amendment to the Constitution of the United States. Because this year is the bicentennial of the Bill of Rights, I feel it is imperative that we reaffirm our belief in the rights that all Americans are entitled to under the Constitution. The purpose of this legislation is to ensure that our Founding Fathers' intentions in creating the second amendment remain intact.

The second amendment states: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." It would be a grave injustice to compromise or surrender the rights to which our Founding Fathers dedicated their lives. There are few issues in this country that are more emotional or less understood than an individual's right to keep and bear arms, and it is disheartening to see any erosion of these rights when the framers of our Constitution clearly intended to guarantee an individual's freedom to protect himself. Our criminal justice system has far higher priorities, especially given the excessive Federal budget deficit, than to spend its time and money depriving people of the right to use a gun for hunting, target shooting, and lawfully protecting themselves against trespass.

We must reject any attempts to restrict American citizens from defending themselves and their property. Any erosion of this right is a severe threat to one of our basic freedoms as citizens of the United States. Currently police protection is reactive and is only guaranteed in broad terms. Since the U.S. criminal justice system has obviously not demonstrated the ability to provide adequate public safety, we simply cannot in all good conscience prevent individuals from protecting themselves.

Let us face the facts—guns do not kill people, people kill people. An inanimate object should not be blamed for the crime of a human. After all, do we blame the automobile or the driver in a hit-and-run accident?

Criminals will have access to guns no matter what we legislate. It is the innocent, law-abiding citizen that is victimized by gun control legislation for he then becomes easy prey for criminals. Instead, criminals should be given harsher mandatory sentences when commiting a crime with a gun. I suggest that States implement "Use a gun, go to prison" and other similiar legislation to punish those who abuse their second amendment right by commiting crimes with a gun.

In the year of bicentennial of the Bill of Rights, I commend to my colleagues a column included in the November 13 issue of the Washington Post, in hopes that it serve as a reminder of the purpose of the second amendment to the Constitution. Moreover, I urge my colleagues to consider cosponsoring my resolution in order to put Congress on record that it will unphold our second amendment rights.

THE RIGHT TO KEEP FIREARMS

(By Michael K. McCabe)

Former Nixon administration solicitor general Erwin Griswold indulged a slashing attack on the Second Amendment's right to keep and bear arms [op-ed, Nov. 4]. Sparing few invectives, he dismisses it as a "phantom right" posing "no barrier to strong gun laws."

Griswold's truculence is not well taken; indeed, he would be well-advised to consider remedial instruction on the Bill of Rights. His implausible "analysis," which relies upon one Supreme Court case that is on point—and two cases that decidedly are not—reflects weak legal scholarship and a thinly veiled rationalization of an emotional, unreasoning aversion to the private ownership of firearms.

History, clearly anathema to Griswold's analysis, dictates a contrary conclusion. William Blackstone, in his classic treatise on the common law, recognized that the right to keep arms for the purpose of self-defense was a "primary law of nature" that could not be "taken away by the law of society." The right to keep arms for this purpose was considered basic by the drafters of the Bill of Rights. Under the Ninth Amendment, such rights at common law were preserved. Thus, the keeping of private arms for self-defense exists independent of the Second Amendment.

The Second Amendment served two additional purposes. First, the militia, in addition to its utility for purposes of defense, would also serve as a counter-balance to the distrusted standing army. What was the "militia"? George Mason, one of the fathers of the Bill of Rights, reflected the common contemporary understanding of the term when he said that it consisted simply of "the whole people."

The Second Amendment also served the higher purpose of ensuring that the people would remain armed and resistant to tyranny. Thomas Jefferson's famous observation that the "tree of liberty must be refreshed from time to time with the blood of patriots and tyrants" merely suggests a commonly held belief. The language that would support Griswold's interpretation was suggested by Roger Sherman and specifically rejected by the drafters.

Griswold's sweeping dismissal of those scholars the conclude that the Second Amendment confers an individual right would surely surprise anyone who has read "The Right to Keep and Bear Arms," a report of the subcommittee on the Constitution of the U.S. Senate Judiciary Committee (1982), which stated: "The conclusion is thus inescapable that the history, concept and wording of the Second Amendment of the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicated that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner."

The one case in this century squarely decided on the Second Amendment, the 1939 Supreme Court case of United States v. Miller, certainly does not support Griswold's theory. The court in Miller, in refusing to take judicial notice that a short-barreled shotgun had "some reasonable relationship to the preservation or efficiency of a well-regulated militia," merely concluded that that particular firearm did not warrant Second Amendment protection. Does Miller then stand for Griswold's proposition that the only militia that may have guns is the "organized" militia?

Decidely not. To the undoubted discomfort of those who perpetuate the "collective right" canard, there is increasing recognition that the Second Amendment may actually mean what it says—and bear arms shall not be infringed," Prof. Sanford Levinson, in a 1989 Yale Law Journal article titled "The Embarrassing Second Amendment," suggests that the drafters did indeed recognize the Second Amendment as conveying individual, not collective, rights. Also apparently escaping Griswold's scrutiny is a textual analysis of the Bill of Rights in the recent Supreme Court case of United States v. Verdugo-Urquidez (1990), in which Chief Justice Rehnquist, writing for the majority, notes that the term "the people" has the same meaning in the First, Second, Fourth, Ninth and 10th Amendments.

Griswold's argument to restrict the Bill of Rights suggests in exercise in consistent, albeit defective, reasoning. His argument that government (despite the Second Amendment) should "protect" the people against

the private ownership of firearms rings strongly of his argument in the famous "Pentagon Papers" case—that the government (despite the First Amendment could also "protect" the people against the "publication of information." History records that the Supreme Court disagreed with Griswold.

Griswold's philosophy of individual rights should disturb anyone who has witnessed the fruits of tyranny. The Bill of Rights was created as an inalienable and perpetual shield against government abuse, including judicial abuse. If it is possible to convert the Second Amendment into a "phantom," then there is no reason to expect that any other fundamental guarantee of liberty stands on stronger ground.

TRIBUTE TO RICHARD MUGRIDGE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual and my good friend, Mr. Richard Mugridge.

Rick has been a hard-working individual in Michigan's 12th District for some time now. I have come to know him through his extensive work on my campaigns and know he has always been there to help me. His commitment to my campaigns, however, is exceeded by his commitment to his union.

In 1968 Rick began working for Michigan Bell. Shortly thereafter he became active in his CWA Local 4014. He became an election committee member in 1972.

In 1976, Rick received a great honor from his fellow members when he was appointed chief steward. He was then elected vice president in 1981 for a 3-year term. In 1984, CWA Local 4014 and 4008 merged. Rick has served as vice president of the north area for the past 6 years.

Rick serves on the election, bylaws, legislative, and mobilization committees. His hard work and dedication have earned him respect and success. He has been, through the years, a tireless champion for his fellow union members.

Rick has been a loyal volunteer of mine since my first campaign for Congress. I am honored to call him a friend and proud to have his support. I hope, and expect, that Rick and I will stand shoulder to shoulder in the many challenges to come.

INTRODUCTION OF THE "BEEPER BILL"

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. COLLINS. Mr. Speaker, today I am introducing legislation that is intended to help put a dent in the ease with which the Nation's illegal narcotics trade is carried on. The Telecommunications Drug Enforcement Act of 1991 would allow law enforcement officials to obtain a court order to cut off the mobile communications service of persons the police have probable cause to believe are using those devices to participate in the illegal drug market.

Over the past several years, as communications technology has advanced, so has the sophisticated use of new communications devices by persons involved in the illegal drug market. The use of digital voice and message beepers, mobile cellular telephones and facsimile machines in the drug trade is very high and growing. A law enforcement official in the District of Columbia estimates that 90 percent of the people arrested in the city for drug dealing have beepers, and that an estimated 25 pagers are confiscated each week which have been used in the drug trade. The use of these devices, together with the use of public telephones, has made the job of investigating and identifying drug traffickers a difficult task. The legislation that I am proposing will allow law enforcement officials to obtain a court order, based on probable cause, to disconnect the mobile communications service to persons the police have reason to believe are using the equipment for illegal purposes.

Obviously, we must utilize all means necessary and proper to fight the war on drugs. Since there is vast evidence that otherwise useful, convenient and innocuous devices are being used to perpetuate the drug trade, we must attempt to stop this practice. While I do not have any notions that this measure will stop drug dealers in their tracks. I do believe it will be yet another hurdle or hindrance in their dirty business. I urge my colleagues to support this measure.

INTERNATIONAL FUND FOR IRELAND AND THE MACBRIDE PRINCIPLES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ENGEL. Mr. Speaker, today I am introducing legislation which would take an important step toward the elimination of job discrimination in the north of Ireland. My bill stipulates that organizations receiving financial support from the American contribution to the International Fund for Ireland would be required to abide by the MacBride principles of fair employment.

When I visited Ireland in the summer of 1989, representatives of the minority Catholic community raised concerns about the administration of the IFI and indicated that the $20 million annual funding level from the United States was simply contributing to continued discrimination against the Catholic minority.

The MacBride principles, developed and very successfully promoted by the Irish National Caucus, are similar to the Sullivan principles utilized to combat discrimination in South Africa. The MacBride principles:

First, prohibit discrimination based on religious affiliation;

Second, provide for the protection of minority employees at the workplace;

Third, ban provocative sectarian and political emblems from the workplace;

Fourth, establish layoff, recall, and termination procedures which do not favor particular religious groups;

Fifth, prohibit job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin;

Sixth, develop training programs that will prepare substantial numbers of minority employees for managerial, supervisor, administrative, clerical, and technical jobs.

My bill would help ensure that American taxpayers' money is not used to further discrimination in Ireland. At no time should the United States support anti-Catholic discrimination, but in particular during this era of extreme budget constraints we must ensure that every dollar is utilized effectively.

INTRODUCTION OF THE FEDERAL BUDGET STRUCTURE ACT OF 1991

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CLINGER. Mr. Speaker, today I introduced the Federal Budget Structure Act of 1991.

Before describing the provisions of this legislation, however, I wish to express my appreciation for the valuable assistance of Charles Bowsher, the Comptroller General, and his staff in helping to develop this legislation. The Comptroller continues to play a valuable leadership role in improving our antiquated financial management practices.

The Federal Budget Structure Act simply seeks to identify, define, and present separate operating and capital components of the Federal budget, and to distinguish between Federal funds and trust funds, while maintaining a unified budget. It is not yet a perfect piece of legislation, but hopefully it will help fuel a needed debate.

Mr. Speaker, let me reiterate that this legislation seeks to retain a unified budget. This proposal does not attempt to reduce the Federal budget deficit through more smoke and mirrors by taking capital expenditures off-budget. A unified budget is maintained.

This legislation seeks to provide what the existing budget does not—adequate information on the revenues, expenditures, surplus/deficit amounts, and financing requirements for capital activities of the Federal Government. It also attempts to provide a distinction between Federal funds and trust funds, and between capital and operating activities in a manner which does not hinder identifying the resources needed to meet the Government's capital infrastructure needs.

The benefits of a capital budget are many. The private sector and a large majority of State and local governments have set a financial example of the direction the Federal Government should follow. A capital budget:

Focuses attention to a greater degree on the deteriorating physical infrastructure of the Nation and allows us to make more rational investment decisions;

Promotes intergenerational equity by burdening future generations with debt service

only for activities that provide future tangible benefits—capital;

Provides more equitable budget treatment of capital activities by avoiding the current front-end loading of the full costs in the first year; and

Shows that borrowing to finance capital investments is accompanied by an increase in the Nation's assets.

A capital budget that remains part of the unified budget may also help us better define "What is a balanced budget?" As we move in the direction of a balanced budget, we need to more fully explore whether it makes sense for the Federal Government to balance its annual budget under current bookkeeping practices.

Efforts to improve Federal financial management and better identify capital activities will bear directly on the quality and clarity of the financial information that we use to make budget decisions.

In closing, Mr. Speaker, Congress continues to debate reducing the Federal budget deficit, budget process reform, and more. However, all this may be to no avail unless we recognize the most fundamental problem—the lack of accurate, timely, and comprehensive Federal financial information.

THE QUALITY CHILD CARE DEMONSTRATION ACT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today with Representative NANCY JOHNSON, of Connecticut, to reintroduce the Quality Child Care Demonstration Act. This legislation is designed to establish a model child care grant program.

In the sweeping child care legislation passed last Congress, one of the major principles at the foundation of the bill was that parents, States, and localities are better decisionmakers than the Federal Government on how to care for children.

The idea behind the Quality Child Care Demonstration Act is to identify successful child care centers at the local level and use their expertise to set up a network of community and family day care centers. There is a wealth of good, practical ideas and experience already out there in the private sector which we should try to tap into. This legislation is an outgrowth of the child care challenge campaign conducted in Ventura County with Congresswoman NANCY JOHNSON.

The legislation we are reintroducing provides a mechanism for local initiatives and expertise to be recognized and then applied to other areas. Under the bill, outstanding child care centers would receive block grants to provide support and training for other centers in their area.

During the 101st Congress, the Quality Child Care Demonstration Act was included in the House of Representatives' child care legislation, but was unfortunately dropped in the conference in the final weeks of the second session.

With the passage of major child care legislation last Congress, it will be the responsibility of the 102d Congress to oversee the implementation of the law, identify its shortcomings, correct its flaws, and ensure that the founding principles of the law are realized to their fullest extent. The Quality Child Care Demonstration Act is designed for such a purpose, and I encourage my colleagues to join in our efforts to bring the finest child care available to all families by cosponsoring this important legislation.

DECLARATION OF EL SALVADOR

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HYDE. Mr. Speaker, the need for freedom loving people to strongly support the efforts of El Salvador's President Alfredo Christiani in his country's brave struggle against the Marxist FMLN has been recently memorialized by a declaration signed by the Presidents of Guatemala, Honduras, Nicaragua and Costa Rica. I am pleased to share with my colleagues the text of this important document:

"DECLARATION ON EL SALVADOR" ISSUED BY THE CENTRAL AMERICAN PRESIDENTS IN PUNTA ARENAS, COSTA RICA ON 17 DECEMBER 1990

The Presidents of Costa Rica, Guatemala, Honduras, and Nicaragua, aware of the difficult situation that prevails in the fraternal nation of El Salvador, a situation that was worsened over the past few days due to the actions of the FMLN (Farabundg Marti National Liberation Front), which have affected the civilian population and have led to a qualitative escalation of the armed conflict through the FMLN's use of sophisticated and highly destructive weapons;

Recalling the commitments of the Central American governments within the esquipulas process with regard to their commitment to promote a cease-fire and national reconciliation and according to which dialogue should prevail over violence and reason over rancor, taking into account that the corresponding governments would begin a dialogue with all disarmed opposition groups and with those that have embraced the amnesty law, ". . . . and to conduct all the necessary efforts to attain an effective cease-fire within the framework of the constitution;"

Once again, recognizing the efforts of Salvadoran President Alfredo Cristiani since 1 June 1989 to end the Salvadoran armed conflict through dialogue with the FMLN and to attain full incorporation of this armed, rebel group into the peaceful and democratic life of the country;

Reiterating that peace, freedom, democracy, and development are based on respect for a country's legal, constitutional order, which should be modified only through the corresponding legal means and by the legitimate authorities elected by and representing the people's sovereign will as freely expressed in the election processes;

Reasserting the need for peace that has resulted from reconciliation and permanent stability throughout Central America to attain the social and economic development our nations demand and that we cannot attain due to the existence of conflicts in some of the region's countries, and especially due to the situation that prevails in El Salvador;

Taking into account that the dialogue process between the Salvadoran Government and the FMLN has been hindered by the FMLN's persistent, violent actions;

Recalling the San Isidro de Coronado declaration in which it was decided to involve the international community in the Salvadoran peace process through the presence of the United Nations Secretary General, who was called upon to take the necessary actions for the dialogue between the Salvadoran Government and the FMLN to be resumed, and to contribute toward the successful development of that dialogue;

Praising and recognizing the valuable participation of UN Secretary General Javier Perez de Cuellar, under whose auspices the Geneva agreement was signed on April 1989, which allows the resumption of the Salvadoran peace process and in which the two sides have asserted their good faith and willingness to seek a definitive solution to the armed conflict through negotiations;

Emphasizing the constructive position the Salvadoran Government, which has agreed to hold open and serious talks on all topics included in the peace process agenda, including that of the Salvadoran armed forces, the existence of which is established by the constitution;

Stating that the FMLN's attitude within the dialogue has prevented attaining a prompt solution to the armed conflict and that the FMLN's new offensive violates the agreement on human rights signed in San Jose, Costa Rica on 16 July 1990 which established a commitment to prevent all actions or practices that endanger people's lives, honor, safety, and freedom;

The Presidents of Costa Rica, Guatemala, Honduras, and Nicaragua agree;

1. To support the Salvadoran people's will for peace, democracy, and reconciliation, which has repeatedly been expressed over the past few years through honest and pluralist elections.

2. To recognize the Salvadoran Government's political resolve and compliance with the commitments to attain peace and democracy within the framework of the procedure to establish firm and lasting peace in Central America of Esquipulas II and subsequent declarations, especially those of Tela and San Isidro de Coronado.

3. To reassert their resolute support for Salvadoran President Alfredo Cristiani and his reiterated and continuing efforts to attain peace through peaceful means, such as dialogue and negotiations.

4. To reiterate the need to immediately and effectively fulfill the agreement on human rights and to praise President Cristiani's firm resolve in this regard.

5. To recognize and emphasize the valuable efforts of the U.N. Secretary General Director toward a peaceful solution to the Salvadoran conflict, which threatens peace and stability in Central America.

6. To condemn the violent actions of the FMLN, which have inflicted death and grief upon the Salvadoran civilian population and serious damage upon the country's economic infrastructure.

7. To demand that the FMLN immediately halt the use of sophisticated weapons, such as those used in its recent offensive, and to ask the U.N. observer group in Central America to promptly conduct the necessary investigations to ascertain the origin of the aforementioned weapons.

8. To vigorously demand that the FMLN observe an immediate and effective cease-fire, thus proving its political resolve to reach agreements that would lead to firm and lasting peace in the region, as soon as possible and to demand that the FMLN re-

frain from hindering elections, give up the armed struggle, and rejoin the democratic life of the country.

To ask all the people and governments of the world:

1. To firmly and resolutely support this Central American Government's initiative, the legitimate expression of the will of its people.

2. To contribute with the efforts toward convincing the FMLN of the absolute need to negotiate and take advantage of the willingness to talk shown by the Salvadoran Government to attain peace.

3. To contribute, as a means of promoting the process for a peaceful solution of the conflict, by ceasing all military, economic, logistical, and public assistance that the FMLN still enjoys in various parts of the world.

For their part, the presidents commit themselves to:

1. Supporting with their actions the negotiations carried out under the auspices of the U.N. Secretary General.

2. Becoming a follow-up mechanism in the negotiating process between the government and the FMLN to contribute toward promoting the objectives proposed to achieve a peaceful and democratic solution in El Salvador, in accordance with agreements reached by the parties.

3. Conducting efforts directly, and through Central American diplomatic representatives before the U.N. Secretary General and Security Council and the OAS Permanent Council and Secretary General, to obtain their support for this initiative. Also to request political and material support for this initiative from governments, churches, and other organizations.

4. Supporting these efforts and promoting intensive diplomatic activity, in a joint and coordinated manner, before the entire international community, particularly before those governments that have links and interests in the Salvadoran conflict.

5. Instructing foreign ministers to agree, as soon as possible, on measures and actions to attain the objectives specified in this document.

Finally, the presidents agree on stressing the urgency of immediately putting an end to the conflict, the continuation of which can only bring more mourning to the people of Central America.

Puntarenas, Costa Rica.

17 December 1990

(Signed) Marco Vinicio Cerezo Arevalo, President of Guatemala, Rafael Leonardo Callejas, President of Honduras, Violeta Barrios de Chamorro, President of Nicaragua, Rafael Angel Calderon Fournier, President of Costa Rica.

The declaration was also signed by Salvadoran President Alfredo Cristiani, and Panamanian President Guillermo Endara, as honor witness and observer.

THE EXTON BYPASS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SCHULZE. Mr. Speaker, I rise today before this distinguished body that I may bring to the attention of the newly assembled 102d Congress the paramount infrastructure concern of my constituents in Pennsylvania—the Exton bypass.

Unprecedented commercial and industrial growth in the rural and suburban areas between the port of Philadelphia and Lancaster, PA, have swollen surface transportation demands far beyond the capacity of U.S. Route 30 where it passes through Exton, PA. West of Exton, Route 30 is a four-lane expressway; east of Exton, traffic flows on a modern highway with fully controlled access. The 5.5-mile segment of U.S. Route 30 which passes through the heart of Exton is the weak link in this highway of national importance. It is a transportation coronary of congestion and gridlock.

The solution is the Exton bypass. It will complete the U.S. Route 30 corridor by connecting the Coatesville-Downingtown bypass to U.S. Route 202. Sixty percent of the Route 30 traffic which staggers through Exton from stop light to stop light, neither originates nor ends in Exton. Local and other passthrough traffic is forced into diversionary routes which swells feeder roads and arteries into gridlock. The Exton bypass will whisk at least 60 percent of the current traffic along highways of limited access and fully controlled access design.

The Exton bypass will do much more than provide the much-needed relief of traffic congestion. The Exton bypass also brings greater safety, ease of access to public transportation, and commercial infrastructure to southeastern Pennsylvania. Currently, all trucks hauling between the Philadelphia port and Lancaster must rubberneck through Exton. Traffic studies have documented an extremely disproportionate volume of trucks on Route 30. This condition has led to a high rate of truck accidents which would be tremendously reduced by construction of the Exton bypass.

The Exton bypass will also improve connections between private vehicle commuters and public transportation. Two commuter rail stations, the Southeastern Pennsylvania Transportation Authority's [SEPTA] R5 line and Amtrak's Harrisburg/Philadelphia line interface with the Route 30 corridor. By relieving intense congestion in the vicinity of these stations, rail commuters will have more efficient access to rail and bus options which will further reduce road traffic in the region.

Finally, by offering efficient movement of personnel and materials, the Exton bypass will bring surface transportation infrastructure needs closer to current commercial demands and facilitate additional commercial growth.

The severe need for construction of the Exton bypass has garnered broad and significant support. Private contributors have donated $5 million for improvements along the existing Route 30, which will be the business loop of Route 30 after the bypass is completed. The Chester County Planning Commission has identified the Exton bypass as its top infrastructure objective. SEPTA's Louis J. Gambaccini, chief operations officer and general manager expressed strong support for the Exton bypass and said he believed it will serve as a model for future transportation projects in the Nation because of its effective integration of rail, bus, and automobile transportation. Congressmen CURT WELDON and ROBERT WALKER also support the Exton bypass because of the regional impact of the current roadway deficiency and the great benefits the bypass will yield. The Pennsylvania Department of Transportation has already spent $33 million for engineering designs, relocating major utility lines and pipes and has currently acquired about 80 percent of the needed rights of way. Last, U.S. Department of Transportation Secretary Samuel K. Skinner voiced direct support for construction of the Exton bypass.

With such broad support for constructing the Exton bypass, I was hopeful and optimistic about its imminent materialization. In the meanwhile however, the feeble link of U.S. Route 30 where it passes through Exton, PA, handles more daily and peak hour traffic than the nearest parallel interstate, the Pennsylvania Turnpike near the Downingtown interchange.

With current Federal budget constraints, only the most critical infrastructure needs should get priority funding. The Exton bypass meets and exceeds that description. I urge continued commitment at all levels for support of this most worthy use of taxpayers' money. Now is the time for constructing the Exton bypass.

DEPARTMENT OF THE ARTS AND HUMANITIES

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, today I am introducing legislation which will create a Cabinet office for the arts and humanities within the executive branch. Not only would such an agency be an asset to the administration, but it would verify the idea that our country should have a federally funded national program dedicated solely to the enhancement of its own cultural heritage.

Mr. Speaker, why do we need a Secretary of the Arts and Humanities? Being a former student and professor of the fine arts, I have experienced the tremendous impact that artistic ventures have on society. Now, as a Member of Congress, I am able to advocate the funding of cultural programs on a national level. I realize that the Federal Government promotes the work of artists through the national endowments. However, this small amount of support is just not enough.

Mr. Speaker, in 1965, the National Foundation on the Arts and Humanities was created by Congress. Since its establishment, it has received strong, bipartisan support over the years, both in Congress and in the White House. Presidents Johnson, Nixon, Ford, and Carter, who were men of strongly different philosophies on the purpose and function of Government, all approved a congressional declaration that financial assistance for the arts and humanities is a proper responsibility of the Federal Government in encouraging and enriching the human mind and spirit, and in fostering the creativity of the American people. Those Presidents requested increased amounts of support for our cultural heritage and development; and each year Congress overwhelmingly approved such increases.

Mr. Speaker, did you know that only one-half of 1 percent of the Bush administration's

fiscal year 1991 budget is directed toward support of the arts? We must realize that these funds support all our country's major cultural programs. These include: The National Endowment for the Arts, the National Endowment for the Humanities, the Institute for Museum Services, the Smithsonian Institution, the National Gallery of Art and the Commission of Fine Arts.

As legislators, we have to ask ourselves: Can we justify the impact that these lean funding levels will have in our districts? Can we afford to lose the programs that foster the arts and humanities, museums, aquariums, zoos, and botanical gardens? Can we afford to lose our historical properties and programs that preserve our great works of art?

Ideally, all segments of our society should have the opportunity to take part in the experience of artistic expression and creativity. The Smithsonian Institution's fine collections and research services, as well as the programs under the jurisdiction of the National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museum Services provide direct return to Americans of all ethnic, social, economic, and educational levels. The benefits of these programs are realized in rural as well as urban America, by the old as well as the young. Thse agencies have helped to make participation in the cultural community more equitable and feasible for all segments of our society. This, however, is not enough. The Department of Arts and Humanities would ensure that all citizens were able to enjoy, learn, and benefit from the arts.

American artists have served as some of our most important ambassadors to the entire world. Through their work, artists have historically brought diverse cultures together. The shared experience of artistic expression and aesthetics creates the elements that enrich the soul and appeal to our higher instincts as human beings. American literature, music, performing and visual arts, and architecture are emulated all over the world.

People need the arts. Public attendance at museums is tremendous and overflow crowds are not uncommon. Furthermore, in these times when trade issues and competitivess are so heatedly dicussed, museums can and do make a unique and extraordinary contribution.

Mr. Speaker, there is an artistic deficit in this country. The Federal Government has an important responsibility to ensure the protection of our cultural heritage. We cannot allow financial danger and fiscal preoccupation to outweigh artistic decisions and creative energy. Our cultural institutions have continued to present innovative works, overwhelmingly high-quality performances and important outreach and educational programs. The continual financial struggle threatens the artistic freedom to invent, to take chances, and to present cultural activities to a broad range of our public. The Federal Government must continue to expand its small but vital role in the cultural integrity of our Nation. It is time to create a Cabinet-level office dedicated to the arts.

TRIBUTE TO JANE BOECKMANN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, it is almost impossible to think about California's San Fernando Valley without thinking of one of its leading citizens, Mrs. Jane Boeckmann.

Mrs. Boeckmann is one of the most dynamic people I have ever met. In her many roles as businesswoman, civic leader, philanthropist, humanitarian, wife, and mother, she has touched the lives of thousands.

Besides her full-time occupation of founder and publisher of Valley magazine, she is involved with many organizations. She serves on the board of trustees for the Los Angeles County Museum of Natural History; the board of directors for Excellence in Media; the board of directors of World of Opportunities, International; the Wave of Excellence Committee for Pepperdine University; the board of directors for the 51st District Agricultural Association; the board of directors of Valley Presbyterian Hospital; and the board of directors and Executive Committee at the Cultural Foundation, which she cofounded.

Recently, while Congress was out of session, Mrs. Boeckmann was once again recognized for her many achievements when she was honored by the Valley Industry and Commerce Association for the success of Valley magazine and its positive approach to journalism. It is only the most recent in a long series of accolades she has earned.

Among her many honors, Mrs. Boeckmann has received the Daisy Award from the San Fernando Valley Girl Scouts Council; the Newsmaker of the Year Award from the Valley Press Club; the Circle Award from the Juvenile Justice Connection; California Mother of the Year from American Mothers, Inc.; the Portraits in Excellence Award from B'nai B'rith; and the Patriotic Citizen of the Year Award from the Military Order of World Wars. In addition, she is the only woman ever to receive the prestigious Fernando Award, given yearly for outstanding service to the San Fernando Valley.

Mr. Speaker, I'm sure you will agree with me that Jane Boeckmann has earned her many recognitions, and ask my colleagues to join me in saluting her for her outstanding work on behalf of her community.

GOODWILL AND BROKEN PROMISES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, the savings and loan fiasco continues to be front page news in many States across the country. My home State of Illinois has seen the Federal Government take over dozens of thrifts with the cost being picked up by the American taxpayer. Unfortunately, the taxpayer may often be picking up a tab that he need not be paying had the Federal Government kept their promise with many S&L's in the first place.

Such is the case of those thrifts that have supervisory goodwill on their books. In the early 1980's a number of savings institutions were asked by our Government to acquire ailing S&L's in order to help the Government and the taxpayers avert paying billions of dollars in bailout funds. These institutions did not get cash or FSLIC notes for taking on these ailing thrifts, but instead received what has become known as supervisory goodwill. In agreements with the Government, these acquiring thrifts were allowed to write off this goodwill over a period of 20 to 40 years. Their ability to help the Government and become involved in these transactions in the first place was premised upon this agreed treatment of supervisory goodwill. The savings institutions in question relied heavily on these agreements and would not have gotten involved in the transactions had there not been such agreements.

Unfortunately, the 1989 thrift legislation broke the agreements and, as a result, is causing the unnecessary takeover of many institutions all at the expense of the American taxpayer. The article that follows appeared in the December 22, 1990, Chicago Tribune and is an example of what the 1989 thrift legislation has done to an S&L that helped the Federal Government in time of need and later received less than appropriate thanks for its trouble. After such a sorry performance, no one can be blamed for not trusting the promises of the Federal Government in the future.

[From the Chicago Tribune, Dec. 22, 1990]

OLYMPIC S&L CHIEF LOSES BATTLE, BUT NOT HIS CONVICTIONS

(By Mike Dorning)

John Lanigan likes to say he's responsible for getting Office of Thrift Supervision Director Timothy Ryan his job.

Nevertheless, just over a week ago, Ryan put Lanigan, the chairman of Olympic Federal Savings & Loan Association, out of his.

For Lanigan, the man whose efforts to avert a government takeover of his $1 billion Berwyn thrift temporarily threw the entire savings and loan bailout into question, the Christmas season has been one of "disappointment," to use the words that now come slowly from his mouth.

Even so, a smile breaks out over his large, Irish face as he ruminates on the twin holiday greetings he received from the federal government: the seizure of Olympic by the OTS, followed quickly by a Christmas card from George and Barbara Bush.

Though he spent months in court unsuccessfully trying to block a takeover, the arrival of government agents to seize his thrift at the close of business on Dec. 14 "was a total surprise," says Lanigan.

Still a critic of the bailout, Lanigan, 55, says he has accepted the loss of Olympic as inevitable. There will be no more lawsuits.

"Olympic is in the past now," he says. "I'm hoping that what happened is in the best interests of the employees out there and depositors out there, but I've got to move on."

At the time of the takeover, Lanigan was courting a corporate savior. Olympic itself had played that role before, and it was the institution's acquisitions of failing thrifts that led to its fall.

During the 1980s, Olympic took over seven troubled thrifts. But a change in government accounting rules that previously had encour-

aged those mergers rendered Olympic and about 200 other thrifts insolvent. And while Lanigan can no longer hope to spare Olympic, he says he will continue to promote his own plan for avoiding government takeovers of other thrifts in the same situation.

"Each case should be looked at differently, not just say an institution has no net worth," Lanigan says. "When you shut down an institution, you shut off credit. We concentrated on student loans, consumer loans and car loans."

Lanigan asserts that Olympic had only $3 million in bad loans at the time it closed. Still, Olympic statements indicate its tangible capital was a negative $102.5 million as of Oct. 31.

For the thrifts that have become insolvent by acquiring weak institutions, Lanigan proposes the government replace the "supervisory good will"—an asset that existed only on paper—it granted, and then took away from, those thrifts with real assets now held by the Resolution Trust Corp., the government's manager of property and loans from failed S&Ls. In return, under Lanigan's proposal, the government would have stock in the S&Ls, which it could sell in better times.

"That brings those assets into the normal flow of business. It's like taking used cars and, instead of putting them in the junkyard, putting them in the car lot, where they'll be fixed and put back on the road," Lanigan says.

Lanigan believes that kind of aid would have allowed Olympic to weather the recession without a long-term loss to the government. He says he stands by an estimate he made in April that it will cost taxpayers at least $200 million to seize and resell Olympic.

A spokesman for OTS said Friday the agency has no response to Lanigan's proposal.

Before the bailout legislation, when the Federal Savings and Loan Insurance Corp. did not have the money to close thrifts, supervisory good will was an inducement offered to get strong institutions to take over weak ones to avoid insolvencies. The new, merged S&Ls could count that good will as an asset toward meeting capital requirements, and they were given 25 to 40 years to write off the asset.

But with Congress concerned about the reliability of S&L assets, the bailout legislation included a provision requiring thrifts to write off the supervisory good will within five years and barred them from using it to meet capital requirements. On Oct. 31, Olympic had $113.9 million of supervisory good will on its books.

The rule change rendered Olympic insolvent overnight.

To Lanigan, the supervisory good will "looked like a carrot, but it turned out to be arsenic. If I'd known it was arsenic, I wouldn't have taken it."

Lanigan filed suit against the rule, arguing it amounted to an unconstitutional "taking of property" without due process of law. The lawsuit eventually was dismissed, but not until after a federal judge ruled in favor of Lanigan on another issue—that M. Danny Wall, who then headed the thrift bailout, had no power to close thrifts.

The authors of the bailout legislation had sought to avoid a possibly embarrassing confirmation hearing for Wall by allowing him to take the position without Senate approval.

The judge ruled the Constitution required confirmation from Congress, meaning the OTS had no authority to act.

Ryan quickly was appointed and confirmed by the Senate for the post, and the issue became moot.

Now, after three years as Illinois top S&L regulator during the 1970s and 14 years as Olympic's chief executive officer, Lanigan says he has no specific career plans, only a specific goal for the new year: Testifying before Congress on the S&L bailout.

VETERANS' EDUCATION AND EMPLOYMENT

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PENNY. Mr. Speaker, during the second session of the 101st Congress, we reached agreement with the other body on a compromise measure concerning veterans' education and employment issues. Unfortunately, the session ended before final action could be taken on the agreement. Accordingly, the bill I am introducing today reflects that compromise and includes provisions derived from measures acted on during the 101st Congress—H.R. 4087, H.R. 4088, H.R. 4089, and S. 2100. The following is a brief summary of the major provisions included in the compromise agreement.

DEFINITION OF VIETNAM ERA VETERAN

Section 1 of the compromise measure would amend section 2011(2)(B) of title 38 to extend the definition of a veteran of the Vietnam era for eligibility purposes under Chapter 41 (Job Counseling, Training, and Placement Service for Veterans) and Chapter 42 (Employment and Training of Veterans) to December 31, 1994. Under current law, this definition would expire on December 31, 1991, thus eliminating certain requirements for affirmative action for Vietnam era veterans and significantly reducing the number of Disabled Veterans Outreach Specialists [DVOP's].

Although section 1(c) of H.R. 4087, approved by the House on July 10, 1990, would have extended the definition through December 31, 1996, I believe the agreement reached with the other body is a good one. Section 301 of S. 2100, as reported, would have amended section 2001(2) of title 38, to extend the December 31, 1991, deadline only through December 31, 1993, and only for the purpose of the DVOP staffing level. It would not have protected the affirmative action requirements affecting Vietnam era veterans contained in Chapter 42 of title 38. The agreement I am introducing today will enable the Subcommittee on Education, Training and Employment to review DVOP staffing and other employment-related issues during the 102nd Congress without interruption of current employment-related benefits and services for veterans.

EDUCATIONAL AND VOCATIONAL COUNSELING

Section 2 of H.R. 4089, approved by the House on July 10, 1990, would have extended the benefits of DVA [Department of Veterans Affairs] educational and vocational counseling to servicepersons who are within 180 days of discharge or release from active duty. It would also have provided counseling for veterans not eligible for education benefits and who were discharged or released from active duty under other than dishonorable conditions if not more than 1 year has elapsed since the date of their discharge or release. Under existing law, such counseling is available only to individuals who have eligibility for assistance under one of the education of rehabilitation programs administered by DVA.

Legislation acted on by the Senate during the 101st Congress did not include any corresponding provisions. However, Mr. Speaker, I am pleased to report that our colleagues in the other body recognized the importance of providing these educational and vocational counseling services, and section 2 of the compromise agreement includes these provisions. I wish to express my appreciation for their support. With significant reductions in military force levels a distinct possibility, it is important that DVA have the authority to furnish educational and vocational counseling services to soon-to-be-discharged individuals and to veterans who are not eligible for other education and rehabilitation programs. This bill will provide to our Nation's servicepersons and veterans deserved assistance in selecting appropriate educational and career opportunities and in making a successful transition from military to civilian life.

VOCATIONAL REHABILITATION UNDER CHAPTER 31

Section 2 of H.R. 4089 and section 303 of S. 2100, as reported, would have amended title 38 to allow DVA to extend vocational rehabilitation services and benefits to servicepersons pending discharge from active duty, who have a service-connected disability, and who are being treated in private facilities or government facilities other than ones operated by the Department of Defense [DOD]. Under existing law, only those servicepersons being treated in DOD facilities are eligible for Chapter 31 vocational rehabilitation services and benefits.

Mr. Speaker, both bodies agree it is appropriate that Chapter 31 services be extended to service-disabled active duty military personnel even though they are being treated in non-DOD medical facilities. Section 3 of the compromise measure will accomplish this and will permit comprehensive rehabilitation planning to be initiated during the period of medical care and treatment. I believe this will enable our Nation's disabled servicepersons and veterans to successfully achieve rehabilitation.

Section 2 of H.R. 4089 would also have amended title 38 to provide the appropriate chapter 31 institutional monthly subsistance allowance to disabled veterans who are in uncompensated OJT [on-the-job training] programs offered by State and local governments. Under existing law, only disabled veterans in Federal Government OJT programs receive this subsistance allowance. Legislation approved by the Senate during the 101st Congress did not contain a similar provision. However, Mr. Speaker, the other body has again graciously accepted the House provision which is included in section 3 of the compromise measure. Both bodies are in accord that disabled veterans in State and local government uncompensated OJT programs deserve the same consideration and subsistance allowance as their counterparts in similar Federal programs. The bill I am introducing today corrects this inequity and provides the same level of benefits to all disabled veterans pursu-

ing uncompensated government OJT programs.

ELIMINATION OF OVERPAYMENT THROUGH WORK-STUDY

Section 305 of S. 2100, as reported, would have amended title 38 to permit individuals to enter into an agreement to perform work-study services and to have the work-study allowance credited to an account receivable resulting from an overpayment of DVA education or rehabiliation benefits. H.R. 4089 did not have a similar provision.

Section 6 of the compromise agreement includes the Senate provision. Mr. Speaker, I want to commend my colleagues in the Senate for their work on this provision. This new authority will allow DVA to waive certain restrictions on the number and periods of work-study service and the requirement to be in pursuit of a program of education, and will permit DVA to reduce an individual's overpayment by applying the amount payable for the work-study service to the debt owed the Government. As the other body has noted, both the Government and the individual will benefit, since this provision will allow persons, who may have available time but only limited financial resources, to satisfy their obligations to DVA.

ADVISORY COMMITTEE ON VETERANS EMPLOYMENT AND TRAINING

Section 8 of the introduced bill would replace the existing Secretary of Labor's Committee on Veterans' Employment with an Advisory Committee on Veterans Employment and Training. This provision is substantially the same as that included in section 2 of H.R. 4087. This restructuring will enable the Secretary of Labor and the Congress to make more informed decisions regarding the employment and training needs of our Nation's veterans, and I appreciate the other body's support of the House provision.

VETERANS READJUSTMENT APPOINTMENT PROGRAM

Mr. Speaker, I am very pleased we were able to reach agreement with the other body on provisions related to the Veterans Readjustment Appointment [VRA] Program. Since the establishment of VRA under Executive Order 11397, issued by President Lyndon Johnson in 1968, this highly successful noncompetitive appointment authority has enabled hundreds of thousands of veterans to enter the Federal work force. Although we were unable to agree on all points, many of the provisions of H.R. 4088, approved by the House on June 12, 1990, are contained in section 9 of the compromise measure. I want to remind my colleagues that the House has passed legislation several times to make the VRA a permanent program and to remove the education-level restriction now in law. The compromise includes these changes, and I am particularly gratified we were able to reach agreement with the other on these matters. I appreciate their cooperation and support.

HONORING THE RETIREMENT OF JOSEPH T. KELLEY OF PITTSFIELD, MA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CONTE. I rise today in recognition of Joseph T. Kelley, chairman of the board of the Berkshire Gas Co. of Pittsfield, MA, upon the occasion of his retirement as senior executive officer of that company after a long and distinguished career.

Joe Kelley is known nationally for his contributions to the natural gas industry. A decorated veteran with wide ranging experience in the utility field, his expertise has been vital to his industry and his business acumen has been instrumental in shaping the natural gas industry, especially in New England.

He came to Pittsfield in 1953 as vice president and general manager of the Pittsfield Coal Gas Co. With the acquisition of Berkshire Gas of North Adams in 1954, Pittsfield Coal Gas came to be known as the Berkshire Gas Co. Under his leadership, the company expanded once again in 1958 with the acquisition of the Greenfield Gas Light Co. Today, Berkshire Gas serves more than 30,000 customers in three counties, with assets that have grown more than 100 times since 1954.

In addition to playing key roles in senior positions with other New England gas utilities he has served as chairman of the New England Gas Association and president of the Guild of Gas Managers. In addition, he currently serves as chairman of Starbase Technologies of Pittsfield and as a director of the Berkshire Mutual Insurance Co. and EnergyNorth of Manchester, NH.

I am proud to count Joe Kelley as a valued friend and constituent. He has labored long and hard both in business and in aiding others to achieve their full potential. He is a man among men, and I take this opportunity to salute and congratulate him upon the occasion of his retirement.

IN SUPPORT OF LEGISLATION TO ALLOW MEDICINES AND MEDICAL SUPPLIES TO BE EXPORTED TO CUBA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today I am introducing legislation which would allow medicines, medical supplies and equipment to be exported to Cuba, notwithstanding the United States trade embargo against that country.

Since 1962, the United States has, with few exceptions, prohibited trade and other relations with Cuba. This legislation would provide a special humanitarian exemption to that embargo for the purpose of exporting much-needed medicines and medical supplies.

Some of our colleagues may disagree about the best way to promote political reform and human rights in Cuba. I have, for many years, argued that the United States could most effectively pursue these goals by restoring diplomatic and economic relations, thus giving us greater contact and leverage with the Cuban Government.

Many in Congress and in the Bush administration, however, are moving in just the opposite direction, toward further restrictions on contacts between the United States and Cuba. I believe this approach is counterproductive and only serves to isolate the Cuban people even further from the dramatic changes occurring around the world.

Regardless of this difference of opinion, however, there should be no disagreement about one issue. People in need of medical supplies should not be denied our help simply because we disagree with their leaders. The United States, when acting in consonance with its highest principles, has traditionally been willing to extend such humanitarian assistance to other nations regardless of the ideologies of their leaders. This principle has not been honored in our policy toward Cuba.

The legislation I am proposing today—which was originally introduced by our late colleague, Congressman Mickey Leland—would make a special exception to the United States trade embargo against Cuba and would allow the export of medicines or medical supplies, instruments, or equipment.

I urge my colleagues to support this humanitarian legislation.

The text of the legislation follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO EMBARGO AUTHORITY IN THE FOREIGN ASSISTANCE ACT OF 1961.

Section 620(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(1)) is amended by inserting before the period at the end of the second sentence the following ", except that any such embargo shall not apply with respect to the export of any medicines or medical supplies, instruments, or equipment".

SEC. 2. LIMITATION ON EXISTING RESTRICTIONS ON TRADE WITH CUBA.

Upon the enactment of this Act, any regulation, proclamation, or provision of law, including Presidential Proclamation 3447 of February 3, 1962, the Export Administration Regulations (15 CFR 368-399), and Cuban Assets Control Regulations (31 CFR 515), that prohibits exports to Cuba or transactions involving exports to Cuba and that is in effect on the date of the enactment of this Act, shall not apply with respect to the export to Cuba of medicines or medical supplies, instruments, or equipment.

SEC. 3. LIMITATION ON THE FUTURE EXERCISE OF AUTHORITY.

(a) EXPORT ADMINISTRATION ACT OF 1979.—After the enactment of this Act, the President may not exercise the authorities contained in the Export Administration Act of 1979 to restrict the exportation to Cuba of medicines or medical supplies, instruments, or equipment, except to the extent authorized by section 5(m) of that Act.

(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—After the enactment of this Act, the President may not exercise the authorities contained in section 203 of the International Emergency Economic Powers Act to restrict the export to Cuba of medi-

cines or medical supplies, instruments, or equipment to the extent such authorities are exercised to deal with a threat to the economy of the United States.

INTRODUCTION OF THE CIVIL RIGHTS ACT OF 1991

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BROOKS. Mr. Speaker, I am introducing today the Civil Rights Act of 1991.

Since passage of the Civil Rights Act of 1964, this Nation has made great strides in providing greater opportunity in the workplace for all Americans. Yet, testimony taken during joint hearings of the House Judiciary Committee and the Education and Labor Committee during the last Congress revealed clearly that difficulties in the workplace still exist for women and minorities. In addition, the accomplishments that have been made through decades of struggle were placed in jeopardy by the Supreme Court by a series of restrictive and damaging civil rights decisions in 1989.

Passage of the Civil Rights Act of 1991, is essential to give all women the same rights as those available to minorities, to overcome the roadblocks in civil rights that were raised by the Supreme Court's decisions, and to continue moving forward toward the greater goal of equal opportunity for all Americans. There is no reason, in the last decade of the 20th century, that women and minorities should not be able to compete for jobs on an equal basis with other workers. There is no reason that the women of this country should not have the same rights as others to be compensated for the devastating effects of intentional, flagrant discrimination.

The Civil Rights Act of 1991 essentially embodies the language of the Civil Rights Act of 1990 as reported by the House Judiciary Committee last year. When this act is passed—at the beginning of another great decade of American history—it will provide the needed impetus to business to overcome the last vestiges of second class citizenship for women and minorities in the workplace, to ensure a level playing field for all Americans, and to assure that our brothers and sisters are treated faily and equitably in their struggle for jobs equal to their skills and abilities.

I want to point out one particular provision which was not in the bill as reported out by the committee last year, but which is included in this version. Over the past several months, we have heard opponents of this legislation charge that it would lead to the imposition of quotas in the workplace. There is no basis to this charge. It is a red herring. Mandatory quotas were not required under the law as it existed and was interpreted before the Supreme Court's 1989 decisions. There is no way that this bill could be interpreted as requiring quotas. In fact, section 13 of last year's bill specifically stated, "nothing in the amendments made by this act shall be construed to require an employer to adopt hiring or promotion quotas on the basis of race, color, religion, sex, or national origin.* * *" The bill that is being introduced today expands on this clear language by specifying that it shall not be construed to "require or encourge" the adoption of quotas. Let us put this spurious and inflammatory issue to rest and consider what the bill actually says and does.

Mr. Speaker, President Bush's veto last year of the Civil Rights Act of 1990 was a shocking affront to our Nation's longstanding bipartisan commitment to equal opportunity. Swift passage of this bill will give the administration a new chance to do the right thing, to place itself on the side of equality and progress, to set aside demagogic and divisive rhetoric. It is time for all of us to get about the business of helping make ours a nation that is "indivisible, with liberty and justice for all." I urge support for the Civil Rights Act of 1991.

LIMITING CONGRESSIONAL TERMS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. STUMP. Mr. Speaker, today I am introducing an amendment to the Constitution of the United States that would provide for 4-year terms for Representatives and to limit the number of terms Representatives may serve to three.

Limiting congressional terms would be the most effective way of returning Congress to the legislative body envisioned by our Founding Fathers—one of citizen legislators who truly represent the constituents they serve and who are committed to solving our Nation's problems.

Currently, Members may spend one-half or more of every term running for reelection; creating dilemmas for Members and leading many to question whether our actions are designed to promote real solutions to our country's problems or are merely cynical election year maneuvers.

Representatives serving only a limited time will have a greater incentive to focus their attention on policymaking to reform failed Government programs and limit the size and complexity of the Federal bureaucracy in such a way as to benefit the people we serve. Less attention will be given to the creation of Federal programs to address issues perceived by pollsters to be of benefit to one party or the other in the campaign arena.

Mr. Speaker, I believe the House of Representatives can be a more effective and efficient instrument of the people if we spent more time on governance and less time running for reelection.

TELECOMMUNICATIONS EQUIPMENT MANUFACTURING; MADE IN THE U.S.A.

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, several years ago, former President Reagan described the telecommunications industry as one in which "we are still a leader in innovation."

Despite his optimistic assessment, recent information released by the current Bush administration indicates that a more ominous outlook is warranted. Last year, the United States again suffered record trade deficits. Trade deficits for telecommunications equipment soared upwards toward $2 billion. Today, not one residential telephone instrucment—the device pioneered by Alexander Graham Bell—is manufactured by an American company in the United States. I have drafted legislation to reverse this trend.

Today I am introducing a bill to establish our Nation's policy with respect to telecommunications equipment manufacture. Our current policies—or the lack thereof—have resulted in increasing telecommunications trade deficits, as well as unemployment and worker dislocation in that industry, to say nothing of the erosion of American dominance of the telecommunications industry internationally and the related brain-drain.

We have observed American firms like AT&T going offshore to manufacture residential telephones and we have seen an increase in proposed joint venture activities between Bell operating companies and foreign telecommunications equipment manufacturers.

Our trade imbalance results from at least two misguided policies. First, the Republican administrations have permitted foreign nations, such as Japan, to bar high-quality, American-produced telecommunications equipment. Second, these same policy makers opened our trade doors to allow foreign manufacturers to make major inroads into our domestic markets.

The door of free trade must swing both ways. While foreign products pile up higher on our docks and in our stores, American jobs are exported overseas. This is not an idle notion; the Commerce Department has estimated that over two and one half million jobs were lost as a result of the trade deficit.

In addition, American companies, lured by special tax breaks and low wages offered by third world nations, have migrated offshore enmasse. There these expatriate corporations turn back the clock to recreate sweatshops reminiscent of the 19th century. For example, in 1985 AT&T shut down the last plant in the United States—in Shreveport, LA—where residential telephones were made. This operation is now located in Singapore.

This is not an isolated plant closing. Since divestiture, AT&T has closed many of its operations in the United States, costing us not only productive capacity, but also at least 18,000 jobs. Companies such as AT&T apparently pledge allegiance to no flag. Their loyalty is to short-term profit and shareholder satisfaction.

In order to stop this exportation of domestic telecommunications manufacturing employment and profit to foreign countries, I propose legislation to require the regional Bell operating companies to manufacture in the United States any equipment they want to sell here. The Bell operating companies are currently prohibited by the modified final judgment, in the AT&T divestiture case, from producing telecommunications equipment.

My proposal provides for a comprehensive definition of the elusive word manufacture. It specifies that manufacturing includes engineering design, product development, testing,

and production. Under the terms of my bill, all these activities would take place in the United States.

In my view, Congress should take steps now to redirect our national telecommunications trade policy so that it benefits America—its consumers and its workers. We must not forget that the telephone is a uniquely American instrument; it was invented here and our predecessors built the world's best communications network around it.

I want to help give the competitive edge in international telecommunications back to America. Before we open telecommunications equipment manufacturing to more competition, I want to make sure that those interested in reaping profit from such action take full advantage of the abundant technological and human resources available to them right here in the good old U.S.A.

America can regain its preeminence in telecommunications trade if we look to our home-based resources. I invite my colleagues to join me in this effort to make America strong again, at least in this area of telecommunications trade.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Equipment Manufacturing Stimulation Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) America's telecommunications system is of critical importance to our national defense;

(2) a key element in maintaining our telecommunications system is ensuring that America possesses state-of-the-art telecommunications equipment and customer premises equipment manufacturing capability;

(3) in recent years, America has increasingly relied on foreign production to meet its telecommunications equipment and customer premises equipment needs;

(4) foreign firms are capturing a growing share of the American firms have increasingly turned to overseas production;

(5) investment in domestic manufacturing capacity has diminished, raising serious questions about America's continued ability to satisfy its telecommunications equipment and customer premises equipment needs in times of crisis; and

(6) experience in recent years with other key industries such as computer and semiconductor technology demonstrates the high price when America falls behind other nations in research and development and in investment in manufacturing capability.

(b) PURPOSES.—The purposes of this Act are—

(1) to assure that America's telecommunciations manufacturing capability is not further diminished by requiring domestic manufacture and production of telecommunications equipment and customer premises equipment by all former Bell operating companies, to the extent they are allowed to engage in the manufacture of telecommunications equipment and customer premises equipment;

(2) to ensure that the necessary domestic telecommunications manufacturing capability so essential to the Nation's defense remains intact;

(3) to encourage domestic investment by both American and foreign firms desiring to engage in the manufacture of telecommunications equipment and customer premises equipment;

(4) to improve America's trade deficit and balance of payments records; and

(5) to produce and maintain additional skilled manufacturing jobs for American workers, while avoiding massive subsidization by the Federal Government, so that short-term costs borne by customers represent an investment in long term increased competition and national security.

SEC. 3. REQUIREMENTS OF DOMESTIC PRODUCTION.

It shall be unlawful for a Bell operating company to use any means or instrumentality of interstate commerce to sell or lease or to provide for sale or lease, directly or through any subsidiary or affiliate—

(1) any telecommunications equipment manufactured, directly or indirectly, by any Bell operating company, unless such equipment was manufactured in the United States, or

(2) any customer premises equipment manufactured, directly or indirectly, by any Bell operating company, unless such equipment was manufactured in the United States.

SEC. 4. ENFORCEMENT BY SECRETARY OF COMMERCE.

(a) GENERAL AUTHORITY OF SECRETARY OF COMMERCE.—The Secretary of Commerce—

(1) shall be responsible for the enforcement of the requirements of this Act,

(2) shall, within six months after the date of enactment of this Act, prescribe such regulations, and provide such exemptions therefrom, as may be necessary for the effective enforcement of such requirements and the prevention of shortages in the supply of telecommunications equipment;

(3) may assess civil penalties pursuant to subsection (b);

(4) shall make the reports required by subsection (c);

(5) may conduct such investigations and hearings, take such testimony, and receive such evidence as may be necessary to carry out this Act; and

(6) for such purposes, may—

(A) administer oaths or affirmations to witnesses;

(B) secure directly from any department or agency of the United States information necessary to carry out this Act; and

(C) issue subpoenas requiring the attendance of witnesses and the production of evidence, which subpoenas shall be enforceable by order of an appropriate district court of the United States.

(b) CIVIL PENALTIES.—(1) Whenever it shall appear to the Secretary of Commerce that any Bell operating company has violated the requirements of this Act, the Secretary of Commerce may bring an action in a United States district court to seek, and the court shall have jurisdiction to impose, a civil penalty to be paid by such Bell operating company, or any person aiding and abetting the violation of such Bell operating company. Such a penalty shall be payable into the Treasury of the United States.

(2) The amount of such penalty shall be determined by the court in light of the facts and circumstances, but shall not exceed three times the amount of profits obtained by the Bell operating company in the transaction or transactions that are the basis of the complaint.

(3) If a Bell operating company upon whom such a penalty is imposed shall fail to pay such penalty within the time prescribed in the court's order, the Secretary of Commerce shall refer the matter to the Attorney General who shall recover such penalty by action in the appropriate United States district court.

(c) ANNUAL REPORTS.—(1) The Secretary of Commerce shall, not later than six months after the date of enactment of this Act and annually thereafter, submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the state of the Nation's domestic telecommunications equipment manufacturing industry. Such report shall include—

(A) an evaluation of the continuing need for imposing the requirements of this Act;

(B) recommendations as to amendments to this Act or any other law necessary to enhance and increase the manufacture of telecommunications and customer premises equipment within the United States; and

(C) recommendations as to necessary regulatory treatment of such equipment purchases, sales, and other transactions, in addition to those set forth in section 5 of this Act.

(2) In carrying out any investigation for purposes of preparing the report under paragraph (1), the Secretary of Commerce may secure the assistance of United States Government agencies having responsibilities in telecommunications and related matters, including (but not limited to) the Federal Communications Commission, the National Telecommunications and Information Administration, and the Bureau of the Census.

SEC. 5. DISALLOWANCE OF FOREIGN EQUIPMENT COSTS BY FEDERAL COMMUNICATIONS COMMISSION.

In determining whether any charge, practice, classification, or regulation of any common carrier under title II of the Communications Act of 1934 is or will be just and reasonable, the Federal Communications Commission shall exclude from any computation of the cost of providing the service in question the costs of procurement of any telecommunications equipment or customer premises equipment that is not manufactured in the United States.

SEC. 6. DEFINITIONS.

(a) IN GENERAL.—As used in this Act—

(1) TELECOMMUNICATIONS EQUIPMENT.—The term "telecommunications equipment" has the same meaning as such term has in the Modification of Final Judgment.

(2) CUSTOMER PREMISES EQUIPMENT.—The term "customer premises equipment" has the same meaning given such term in the Modification of Final Judgment.

(3) BELL OPERATING COMPANIES.—The term "Bell operating company" has the same meaning as such term has in the Modification of Final Judgement, except that such term does not include any centralized organization for the provision of engineering, research, and administrative services, the costs of which are shared by such operating companies or their affiliates.

(4) MANUFACTURED.—The term "manufactured" means each of the processes, other than specifying generic or functional characteristics of equipment, that are involved in bringing equipment into production and includes engineering design, product development, testing, manufacturing, engineering, and production.

(5) MANUFACTURED IN THE UNITED STATES.—Equipment is "manufactured in the United States" only if (A) such equipment is assembled in the United States, and (B) substantially all of the total cost of such equipment,

including components, indirect costs, research, development, and labor, has been incurred in the United States.

(6) UNITED STATES.—The term "United States" when used in a geographical sense, includes the United States and any place subject to the jurisdiction of the United States.

(7) MODIFICATION OF FINAL JUDGMENT.—The term "Modification of Final Judgment" means the judgment entered August 24, 1982, in United States v. Western Electric, Civil Action Numbered 82-0192 (United States District Court, District of Columbia).

(b) 1934 ACT DEFINITIONS APPLY.—Except as provided in subsection (a), terms used in this Act shall have the same meaning as is given such terms under the Communications Act of 1934.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act.

INTRODUCTION OF LEGISLATION RELATING TO THE DEFENSE PRODUCTION ACT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, as an urgent matter, I am introducing at this time, two bills relating to the Defense Production Act.

REVIVING DEFENSE PRODUCTION AUTHORITIES

The first bill would revive the authorities of the act, which expired on October 20, 1990, and extend these authorities until June 30, 1991. It is in the nature of a simple extension of the law that evolved since 1950, and was in effect throughout the 101st Congress, except for the fact that the bill is retroactive to the date of expiration.

HOUSE-PASSED AMENDMENTS OF 1990

The second bill is identical to the DPA bill that the House passed on September 24, 1990, by a bipartisan vote of 295 to 119 (H.R. 486). The only change to that bill is in the short title, which designates the bill as "The Defense Production Act Amendments of 1991," rather than 1990, as in last year's bill.

WHY EARLY ACTION IS NEEDED

During consideration of the Defense Production Act in the 101st Congress, this body was informed repeatedly that the act should be continued without interruption. We were also urged by the administration to amend the act to modernize the statute and permit additional actions to be taken to enhance the defense industrial base and the Nation's energy security. The House bill, on the basis of cooperation by several committees, accomodated nearly all of the administration's requests.

During the final stages of consideration of the conference report on H.R. 486, Secretary of Defense Cheney addressed to the Speaker a letter stating:

Since the commencement of Operation Desert Shield, we have been using DPA authority at least once a day to ensure that DoD orders for important items are filled in advance of competing commercial orders. We have ordered a wide variety of items under DPA ranging from night vision goggles to electronic countermeasures and radomes, from missile containers to skin decontamination kits for chemical warfare. (Letter from the Secretary of Defense, October 24, 1990).

As this body is aware, the House approved seven DPA bills in 1990, including three extensions, the substantive amendments (H.R. 486), the conference report and two corrective concurrent resolutions, Unfortunately, however, the conference report on the measure (House Report 101-933), after passing the House by voice vote on October 24, 1990, was not taken up in the Senate prior to adjournment. As a result, the DPA expired as of October 20.

The press has since reported on a wide variety of materiel required by our troops in the Persian Gulf (see, for example, "Pentagon Speeds Development, Production of Arms for Gulf Use," Washington Post, December 24, 1990, page A1).

Under circumstances well known to all, I believe this House should take the earliest possible action on the extension. As to the substantive amendments, I hope that the 1990 House-passed bill provides a firm basis for consideration and ultimate passage of the enhanced Defense Production Act for the 1990's.

SALUTE TO MARIAN LA FOLLETTE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I would like to bring to my colleagues' attention to recent retirement of an outstanding legislator, California Assemblywoman Marian La Follette.

Marian served for a decade in the State legislature, and earned a reputation for hard work, her skills as a negotiator, and as an influential lawmaker. As I'm sure we'll all agree, those are skills a legislator needs to be successful, no matter in which arena those skills are used.

During her tenure in Sacramento, Marian worked hard on many issues, but concentrated her attention on three concerns of special interest: education, transportation, and criminal justice. Although she has not been successful—yet—she has been a leader in the long-overdue goal of breaking up the massive Los Angeles Unified School District into smaller districts more responsive to the community.

She is also a political survivor, having had her district carved out from under her not once but twice. Despite the odds, she carried on her fight for her principals and continued to win re-election.

Marian also can boast of many other accomplishments, including her service as president of the Los Angeles Community College District's Board of Trustees, public interest director for the Federal Home Loan Bank Board of San Francisco, vice chair of the National Advisory Council for Career Education, president of the Volunteer League of the San Fernando Valley and founding and charter president of the Northridge Guild of Children's Hospital.

Mr. Speaker, I'm sure I speak for all my colleagues in wishing Marian and her husband, John, well, and in hoping they are finally able to find the time for the fishing, camping, and sailing they enjoy. She has truly earned her retirement.

REINTRODUCING THE PRIVATIZATION OF ART ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, if C-Span ever decided to produce a show called "Congressional Bloopers and Practical Jokes", last session's National Endowment for the Arts [NEA] reauthorization surely would claim a starring role. The lengthy debate filled the airways with countless bloopers while the final package proved to be one big practical joke. Less than 2 months after its passage, NEA Chairman John Frohnmayer refused to uphold the legislation's decency provision, declaring that he will not be the Nation's decency czar.

I agree with Chairman Frohnmayer—he should not be a decency czar. I also believe that the American people should not be forced to sponsor specific works created by a select few. But as long as there is public funding for the arts, this will be the case. The NEA will continue to impose Government standards on art with or without decency provisions, and the American taxpayer will forever be required to finance these standards. Because it can offer only limited funding, the NEA must be selective, and, in turn, must institute standards. These standards are determined by Government officials like Mr. Frohnmayer who issue grant decisions according to their definitions of artistic merit. So while Chairman Frohnmayer may not want to be a decency czar, he is inevitably our Nation's art critic, and we are his patrons. I suggest we return American art to the eyes of its beholders and take it away from the meddlesome hands of bureaucrats. Therefore, I am reintroducing the Privatization of Art Act, a bill which would eliminate the National Endowment for the Arts.

Abolishing the NEA would not mean the demise of American art. On the contrary, it would signal the beginning of creative independence. The $175 million lost in public funds could easily be recovered by the private sector where $7 billion is spent on arts advancement each year. More artists could gain access to this money as it no longer would be tied up in NEA matching funds arrangements. And finally, not one penny of that money would be contingent on Government approval. So without the NEA, American artists would in effect be freed of Government intervention, Mr. Frohnmayer would not be crowned decency czar, and Congress would have one less practical joke to play on its constituency.

THE INTRODUCTION OF A BILL TO PROVIDE A PROGRAM OF NATIONAL HEALTH INSURANCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. DINGELL. Mr. Speaker, nearly 50 years ago, my father stood in this Chamber and called for a program of national health insurance. The Murray-Wagner-Dingell national health insurance bill would have cured one of today's most pressing problems: The lack of health insurance for tens of millions of Americans.

I have introduced a national health insurance bill during each of the 17 Congresses that I have served this body. Today I introduced a similar bill because the need is greater than ever.

In the nearly half century following the end of World War II, this Nation has often been the preeminent force in the world economically, politically, and socially. We have rightfully claimed the title as the leader of the free world. But in the area of access to health care we have no such rightful claim. In the United States, debate rages over health insurance issues which our European friends resolved satisfactorily 50 or even 100 years ago.

Though we treat it as a luxury—even a commodity—health care is a necessity, like food and shelter. Without it people live substandard lives or perish. But as many as 60 million Americans had no proper health insurance for all or part of last year. As a result, many died or were afflicted with preventable disease. Our infant mortality rate exposes us as a prosperous country less committed to its young than some Third World countries.

The case for a national health insurance program is abundantly clear:

The current system is bloated and wasteful. We spend more and get less than any other nation. We peel off thousand dollar bills for fancy tests without a moment's hesitation, but we can't seem to scrape together a few cents for disease screening, immunizations or prenatal care. We boast over expensive state-of-the-art technology while our public hospitals burst from the weight of caring for the uninsured. With the money wasted administering our disorganized and fragmented system, significant improvements in the health of the country would be possible.

No plan will be perfect. In fact, by finding imperfection in every plan debated in this country over the past five decades critics have succeeded in bringing about a state of paralysis which has made the job harder and caused undue hardship to tens of millions of Americans. With the will to improve our health care system, the difficult details can be resolved through reasonable compromise. Delay is no longer in order; the 102d Congress is the time to begin work on a program of national health insurance.

Universal eligibility for important medical services is the cornerstone of this bill. Administration is decentralized wherever possible. Providers retain much autonomy and patients freedom of choice, but experimentation is encouraged and the entire system rationalized.

In addition to the essential provisions ensuring access to medical care, the National Health Insurance Act addresses two other critical issues. It provides a funding mechanism through a value added tax [VAT] and mandates that the Secretary of the Department of Health and Human Services develop methods of reducing health care costs. These two critical elements distinguish this bill from previous introduced versions and address the issue of health care reform in a serious and comprehensive manner.

Title X of the legislation would require a 5-percent value added tax to be imposed on goods and services at all levels of production and distribution. Food, clothing, and medical care would not be taxed. Additionally, an exemption is provided for exported goods to strengthen our Nation's competitive advantage, reduce the burden of unfair trade barriers, and decrease our trade deficit. Revenues generated by the VAT would be deposited in a national health insurance trust fund.

The Congressional Budget Office estimates that a 5-percent VAT tax would generate approximately $50 billion annually. While this level of funding would not be sufficient to cover the costs of the Nation's health care delivery system, it would get us off to a sound and responsible start.

In an effort to reduce costs in an effective and equitable manner, title XI directs the Secretary of Health and Human Services to provide recommendations and promulgate regulations to control the costs of providing health benefits under the act, and to emphasize medical malpractice reform as a means of cost containment.

Rarely, in our history has the need for reform been so great and so clear. Only by working together, however, can we forge the political consensus and focus the level of debate necessary to solve our shameful health care crisis. Working responsibility, intelligently, and compassionately we can solve this crisis and we can live up to the ideals worthy of the leader of the free world.

TRIBUTE TO MRS. JULETTA CHRISTOPHER

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HUBBARD. Mr. Speaker, I want to honor and pay tribute to the late Mrs. Juletta Christopher, an outstanding Murray, KY, constitutent of mine who died at age 75 on December 7 at Murray-Calloway County Hospital.

Mrs. Christopher was a longtime civic and church leader in Murray. She devoted much of her time to the First United Methodist Church in Murray.

Mrs. Christopher's son Ron Christopher is a former commonwealth attorney for Marshall and Calloway Counties in Kentucky and is a former chairman of the board of regents at Murray State University.

Mrs. Christopher's granddaughter Shannon Christopher is a receptionist and legislative assistant in our Washington office of the First Congressional District of Kentucky and a 1990 graduate of the University of Kentucky.

Other survivors are her husband Maurice P. Christopher, a longtime chemistry teacher at Murray State University; two daughters, Mrs. Camille B. Little of Heyworth, IL and Dr. Cathryn Christopher of Murray; one sister, Mrs. Harriet Schaumann, St. Louis, MO; and six other grandchildren, Susan Little, Sharon Little, Sally Little, Kelsey Christopher, Carroll Lane Christopher and Courtney Christopher.

My wife Carol and I extend to Maurice Christopher and his family our sympathy and we hope that 1991 will be a good year for each of them.

HOUSE RESOLUTION 5

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, despite the long hours of debate and the numerous votes it took for the 101st Congress to reach a final budget agreement last year, it now appears that the agreement is being abandoned.

The budget agreement raised taxes by over $165 billion—but unfortunately, this part of the agreement remains.

The budget agreement increased spending well over $700 billion—but unfortunately, this part of the agreement remains.

The budget agreement also contained enforcement mechanisms designed to force the Government to "pay-as-you-go." These provisions would prevent Congress from using money it does not even have to pay for even more programs and pork-barrel projects that it cannot afford. These provisions are the ones that some Members of Congress are trying to abandon today.

I believe that this effort to change the House rules and eliminate the Office of Management and Budget's role as a watchdog on congressional spending is a direct violation of the intent of last year's budget agreement. Additionally, I believe that this effort to weaken the enforcement provisions of the recently enacted budget agreement highlights our country's urgent need for an amendment to the U.S. Constitution requiring a balanced Federal budget. This action clearly demonstrates that statutory restrictions will not be enough to stop the tax and spend policies of recent Congresses.

I strongly oppose the effort to weaken the spending enforcement provisions of the budget agreement, and I urge my colleagues to vote against the resolution.

I also urge my colleagues of the 102d Congress to continue to push for the adoption of a balanced budget amendment to the U.S. Constitution.

GARY REGIONAL AIRPORT FOREIGN TRADE ZONE PARCELS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. VISCLOSKY. Mr. Speaker, today, as we begin the 102d Congress, we begin to prepare our Nation to enter the new century. Similarly, the city of Gary, IN, is also planning for the future. Therefore, I have introduced legislation that will aid in the development of the Gary Regional Airport by permitting the establishment of a foreign trade zone at the site.

The last decade was very hard on northwest Indiana and the city of Gary particularly. The recession in the early 1980's and the dramatic restructuring of the steel industry, the region's primary employer, resulted in unemployment rates that were the highest in the State. Thousands of families were forced to move to seek other opportunities.

However, as we enter the new decade, there are indications that we have turned the corner and I am optimistic about the future. In Gary, the airport is one of the cornerstones that can be utilized to revitalize the city and help enhance the economic growth of the entire region. Since being elected to Congress, I have worked with local, State and Federal officials to assist in the development of the Gary Regional Airport.

My legislation is necessary to allow the airport to utilize several of its land parcels as part of its efforts to establish a U.S. foreign trade zone at the facility. It has been brought to my attention that restrictions were placed upon the parcels in the 1940's when they were transferred to the city by the War Assets Administration.

Today, all agree that these restrictions are dated and removing them will improve the ability of the airport to progress. The Gary Regional Airport has made significant strides in recent years and I commend all those associated with the airport on their efforts:

H.R. 5868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF CERTAIN RESTRICTIONS.

(a) RELEASE.—Notwithstanding section 126 of the Federal Airport Act (as in effect on May 29, 1947), the Secretary of Transportation is authorized to grant a release or releases, without monetary consideration, with respect to the restrictions, requirements, and conditions imposed on the property described in subsection (b) by a quitclaim deed conveying such property to the city of Gary, county of Lake, Indiana, dated May 29, 1947.

(b) DESCRIPTION OF PROPERTY.—Those lands incorporated in Reconstruction Finance Corporation project known as Tracts A and C of Plancer 1035, Rubber Synthetics, Gary, Indiana (WAA No. R-Ind. 6), legally described as follows:

That part of the East One Half (E½) of Section Thirty-five (35), Township Thirty-seven (37), Range Nine (9) West, of the Second Principal Meridian, lying between the C.L.S. & E. Railroad and the Grand Calumet River, and that part of the West One Half (W½) of Section Thirty-six (36), Township Thirty-seven (37), Range Nine (9) West, lying between the U.S. Highway No. 12 and the Grand Calumet River, and that part of the Southeast Quarter (SE¼) of Section Thirty-six (36), Township Thirty-seven (37), Range Nine (9) West, lying between U.S. Highway No. 12 and the Grand Calumet River, and that part of the Southeast Quarter (SE¼) of Section Twenty-six (26), Township Thirty-seven (37), Range Nine (9) West, lying between the C.L.S. & E. Railroad and U.S. Highway No. 12, all in the City of Gary, Lake County, Indiana. Tract A is composed of 476.885 acres, and Tract C is composed of 133.971 acres. Total area is approximately 610 acres, with all its appurtenances, being a part of the same property acquired by the Defense Plant Corporation under that certain Warranty Deed executed by the Gary Land Company, an Indiana corporation, dated August 25, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on October 9, 1942, as Document No. 742127, in Book No. 666, Page 278, and that certain Warranty Deed executed by the Elgin, Joliet and Eastern Railroad Company, an Illinois and Indiana corporation, dated December 22, 1942, and filed for record in the Recorder's Office of Lake County, Indiana, on December 23, 1942, as Document No. 82584, in Book 670, Page 68.

COLA FOR DISABLED VETERANS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. STUMP. Mr. Speaker, today 225 House Members are joining with SONNY MONTGOMERY and me to introduce a clean COLA bill for service-connected disabled veterans. In the closing days and hours of the 101st Congress, the veterans' COLA unexpectedly became a hostage to unrelated agent orange legislation. The Senate did not act on the COLA approved by the House in H.R. 5326, and our attempt the day before adjournment to keep the COLA alive in a second House bill, H.R. 5962, fell victim to an objection to our unanimous-consent request.

Our clean bill has nothing in it but the noncontroversial COLA which disabled verterans need immediately. They should have had a 5.4-percent COLA effective January 1, 1991, and our bill would make that COLA retroactive to January 1. This bill is the top priority of the House Veterans' Affairs Committee and obviously has widespread support. We intend to move it at the earliest opportunity. What happened to the veterans' COLA was shameful and inexcusable.

Other matters should be considered on their own merits, so they do not make service-connected veterans wait for adjustments in monthly disability payments. It is wrong to hold the COLA hostage. I strongly urge my colleagues to help us provide veterans their COLA.

SALUTE TO LARRY HORNER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a good friend and an outstanding public servant, Lawrence Horner, who recently concluded 16 years of service on the Thousand Oaks City Council.

During his long and distinguished career, Larry served three times as mayor, was instrumental in continuing the careful planning that Thousand Oaks is so noted for, and served on a variety of regional and local boards and commissions, including the Conejo Open Space Conservation Agency, the Cultural Facility Committee, and the Southern California Association of Governments.

And despite his time-consuming occupation as vice president of Northrop Corp., Larry always found time for community involvement as well. He has served the Conejo Valley Historical Society, the California Lutheran University Community Leaders Club, the Conejo Valley and Westlake Chambers of Commerce, the Conejo Future Foundation, the Westlake Joint Board of Homeowners Association, the Westlake Athletic Association, the Arts Council, the Thousand Oaks Jaycees, and the Cal Lutheran Council of Advisers.

As he leaves the city council, Larry can be proud of his many achievements, and the knowledge that his city is a better place because of him. It's the Larry Horners of the world, quietly and efficiently getting things done, who make a difference in government.

Mr. Speaker, I ask my colleagues to join me in saluting Larry for his hard work and conscientious public service to his community.

PRESIDENTIAL APPOINTMENTS FOR SPOUSES OF MEMBERS OF CONGRESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, today I have introduced a bill to bring back fairness and impartiality to the Federal Government. In recent years we have seen an abuse of the Constitution that unfortunately is becoming a standard for the future. I am referring to Presidential appointment of spouses of Members of Congress.

The Constitution of the United States and more specifically, article 1, section 6, subparagraph 96 states:

No Senator or Representative shall, during the time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time.

While this statement is directed toward Members of Congress in its prohibition of a dual interest, this same abuse occurs when the spouse of a Member accepts an appointed office. In the time honored tradition of mar-

riage, the union of a man and a woman is sacred for one reason. That reason is the transformation of two individuals into a single entity. It is this entity that the Founding Fathers settled upon when the Constitution was written, and as a single entity, the conflict of interest concern certainly remains.

President James Madison in his earlier days at the Federal Convention, was a strong proponent of the separation of the administrative and legislative branches. He stated:

If you have no exclusive clause, there may be no danger of creating offices or augmenting the stipends of those already created, in order to gratify some members if they were not excluded. Such an instance has fallen within my own observation. I am therefore of opinion, that no office ought to be open to a member, which may be created or augmented while he is in the legislature.

It is without a doubt, that the attendees of the Federal Convention were trying to avoid a segment of the British governmental system that proved to be corrupt. Mr. Pierce Butler representing South Carolina at the convention further elaborated on the corruption that our newly born country was trying to avoid. In his remarks, he stated:

We have no way of judging mankind but by experience. Look at the history of the government of Great Britain, where there is a very flimsy exclusion—Does it not ruin their government? A man takes a seat in parliament to get an office for himself or friends, or both; and this is the great source from which flows its great venality and corruption.

It is clear that our forefathers were trying to avoid corruption and undue influence. If a Member has a spouse working in the administration, then isn't he or she likely subject to such influence. A series of checks and balances were incorporated into the Constitution to protect the citizens of this country from a corrupt government. We must remember that we are the representatives of our constituents who voted us into office, and we owe it to them to remain free from undue pressure.

A MESSAGE TO RESERVISTS AND THEIR FAMILIES

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues an important message that was given to reservists by one of the Federal savings banks in my district. Carrollton Federal Bank will suspend all debts, without penalty, for reservists who are called to active duty in Operation Desert Shield.

Mr. Speaker, this message of cooperation and generosity is sorely needed during the Persian Gulf crisis. I would encourage banks and savings associations around the country to adopt a similar policy of cooperation for our men and women in arms.

A MESSAGE TO RESERVISTS AND THEIR FAMILIES FROM CARROLLTON FEDERAL

These are difficult days, filled with uncertainty, frustration, and a sense of sad remembrances.

They are particularly difficult for members of the Armed Forces Reserves called up in this Persian Gulf crisis.

To ease worries and lessen hardships resulting from an abrupt loss of income, Carrollton Federal Bank is immediately suspending loan payments for activated reservists.

While on active duty, you will not have to make principal or interest payments on Carrollton Federal home mortgages, auto loans, credit balances, or personal loans and lines of credit incurred before activation. Simply call our Mortgage Loan Service Department or Consumer Loan Department to make arrangements.

When you're deactivated, you can pick up your obligations where you left off—with no penalties whatsoever. We sincerely hope you will able to resume your normal life just as easily.

And that a peaceful world—which seemed so close a few short weeks ago—will indeed be possible.

Cary D. Dorminey, President.

FREEDOM OF CHOICE ACT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EDWARDS of California. Mr. Speaker, today I and a bipartisan group of over 80 Members of the House introduced the Freedom of Choice Act of 1991. The purpose of the bill is to codify Roe versus Wade and to prohibit States from restricting the right of women to choose whether or not to terminate a pregnancy.

The bill is identical to the bill we introduced in the 101st Congress, which was the subject of several hearings in the Subcommittee on Civil and Constitutional Rights and which was reported favorably by the subcommittee to the full Judiciary Committee at the end of the last session.

The bill is a response to the Supreme Court's 1989 ruling in the Webster case, which prompted a number of State legislatures to introduce, and in several cases enact, restrictive antichoice legislation.

I believe a Federal statutory standard is essential to prevent further erosion of the right to choose. This fundamental right should not vary from State to State. The subcommittee plans to move quickly in the 102d Congress to assure enactment of this important legislation.

NATURAL GAS LEGISLATION TO STOP UNFAIR REFUND CLAIMS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, I am today introducing legislation to prevent the Federal Energy Regulatory Commission from requiring natural gas producers, royalty owners and the Texas State Treasury—which collects gas severance taxes—to pay refunds as a result of a recent Federal court of appeals decision in the Fifth Circuit. Such a refund requirement could easily cost Texans many millions of dollars.

Under the terms of the court decision, a 1986 FERC order—Order 451—was vacated because the Court ruled that the Commission overstepped its authority by allowing the price of natural gas drilled before January 1, 1973 to rise to market level. It would be blatantly unfair to require Texas gas producers and taxpayers, as well as those in other producing States, to be penalized for doing exactly what the FERC told them they could do—raise the price of old gas.

Whether the court of appeals was correct in finding fault with the FERC action remains subject to debate and further appeal. My point in introducing this measure, however, is to make sure that the State of Texas, its taxpayers, royalty owners and natural gas producers are treated fairly, and not held liable for a regulatory agency's error.

My bill will protect the original sellers of old gas affected by the FERC order from claims which are anticipated to follow the court ruling. Without this prohibition, the State of Texas, which earns substantial royalty income from gas produced on State lands, could expect royalty refund claims from producers required to make refunds to the first purchasers of their old gas. It also protects the millions of dollars in natural gas severance tax revenues collected by millions of dollars in natural gas severance tax revenues collected by the State of Texas based on the increased gas prices.

I recognize that the FERC order was an attempt to rectify the old gas pricing system, which contributed to market distortion and thwarted attempts to replace depleted gas reserves. This market disorder actually led Congress to enact legislation, which I was proud to support, which decontrolled all natural gas prices.

But, by acting to vacate the FERC order after Congress decontrolled all natural gas, the court has set the stage for massive market disruption. It is ironic that in its decision, the court said that "which we remain poignantly aware that the problems facing the natural gas industry are numerous and complex, we nevertheless emphasize that Congress alone has the power to do—or authorize to do—what the Commission has done" in its orders.

Congress has now decontrolled old gas. What I now ask is that Congress direct the FERC to prohibit refunds. Neither the taxpayers in Texas and other producing States, nor our struggling domestic energy industry should be made to suffer for a bureaucratic error.

I invite my colleagues to join me in this effort.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3414) is amended by adding at the end the following new subsection:

"(d) LIMITATION.—No person shall be required to refund any portion of any amount received in any first sale of natural gas, or be subject to any civil or criminal penalties, if the amount received by such person in any such first sale exceeded the maximum lawful price for such gas solely by reason of the decision of the United States Court of Appeals

for the Fifth Circuit in Mobil Oil Exploration and Producing Southeast, Inc. v. Federal Energy Regulatory Commission (C.A.-5 No. 86-4940), vacating Federal Energy Regulatory Commission Order Nos. 451 and 451-A. This subsection shall apply only to first sales made before the date judgment is entered in such case.".

THE DEFENSE ECONOMIC ADJUSTMENT ACT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today, I am reintroducing legislation to create a national plan for the economic conversion of our defense plants and military bases to civilian production. By providing viable civilian alternatives to military spending, this bill would limit the economic dislocation resulting from the cancellation of military contracts or the closing of bases that are judged nonessential for the defense of our Nation. Such cancellations and closings already have resulted in over 35,000 military industry layoffs since 1988. Hundreds of thousands more lie ahead.

While the Persian Gulf Crisis has temporarily blocked efforts to reduce military spending, Operation Desert Shield, from a planning and budgetary standpoint, "is just a perturbation in the flow of events," as the Navy's top program planner Vice Adm. William D. Smith said. The administration's long-range plan to significantly cut defense spending and shift the Pentagon's focus to combating regional threats has not changed. In a speech in London on December 5, Chairman of the Joint Chiefs of Staff Colin Powell said, "Our view of where we were heading was clear and I believe is still clear."

Nearly a dozen senior military officers interviewed by the Washington Post agreed that deep cuts should begin after the gulf crisis is resolved because of the diminished threat of a global war with the Soviet Union. Further, the Persian Gulf situation forces us to consider the dislocations implied by the current logistics buildup and the subsequent wind down once the crisis is resolved.

While the policy of economic conversion outlined in my legislation, the Defense Economic Adjustment Act, would limit the effects on individuals and on communities of economic dislocation resulting from the inevitable base closings or defense contract reductions or cancellations, passage of this legislation also would broaden our industrial base, enhance our economic security, and encourage a more balanced and rational process of developing weapons systems,

Obviously, there is a direct causal relationship between the Nation's military industrial base inadequacies and the recent disinvestment and underinvestment in the domestic civilian industrial sector. America should learn from the ruination of the Soviet economy by the displacement of civilian industry in the service of its war economy. We only need to look around us to see the deterioration caused by our overemphasis on military development. The operation of a large military economy for more than 40 years has lead to major underinvestment in the facilities and services which make up our Nation's infrastructure. These include roads, education facilities, libraries, public health operations, and parks.

In addition, as Prof. Seymour Melman, professor emeritus of industrial engineering at Columbia University and renowned author, explains:

A process of technical, industrial, and human deterioration has been set in motion within American society. The competence of the industrial system is being eroded at its base. Entire industries are falling into technical disrepair, and there is massive loss of productive employment because of inability to hold even domestic markets against foreign competition.

The military-dependent firm concentrates on producing increasingly complex hardware which will satisfy the needs of a particular defense project, regardless of cost. Often, these firms manufacture products which are essentially useless to the civilian population and uncompetitive in international markets.

There is compelling evidence that military spending creates significantly fewer jobs than comparable spending in the civilian sphere. While civilian production creates items of value for consumers and producers, military production does not. Money spent on the military leaves our economy for good and deprives us of the secondary benefits that commonly result from civilian production. For instance, total employment per $1 billion spent is estimated at 20,175 for guided missile and space vehicle production. This compares with 30,394 jobs created in the motor vehicles industry and 71,550 jobs created in education services, according to the calculations of the Bureau of Labor Statistics.

Further, our economic reliance on the military results in a severe brain drain of our most advanced technical workers away from civilian fields. Currently, 75 percent of all Federal research and development funds are spent in the military budget. A large percentage of all scientists and engineers are devoted to military-related work. In practical terms, this means that many of our trained scientists and engineers are working to devise more complex and destructive military equipment while U.S. productivity is lagging in important areas such as scientific research, computer technology, machine tools, and other domestic areas.

Economic conversion, rather than being the economic risk that some have suggested, is an economic opportunity. But applying more of our technical and scientific resources to the civilian economy, we would be better able to address the problems facing many of our Nation's troubled industries. A greater reliance on civilian production could also help train many underemployed and unemployable individuals whose needs are currently unmet.

Economic conversion also is essential if we hope to make meaningful progress toward arms control. Many of our current defense decisions reflect political considerations rather than a weapons systems' contribution to national security. This often occurs because political and community leaders, quite legitimately, frequently band together to resist the cancellation of weapons systems that are built in their districts. By creating viable alternatives to military spending, economic conversion would assure the millions of workers in military dependent industries that their jobs will not be sacrificed in the effort to achieve meaningful arms control. If communities do not protest proposed cuts, decisions more likely will be made based on their merits rather than job considerations.

My bill provides a detailed plan for preserving the jobs of those affected by decisions to eliminate unnecessary military spending. Importantly, it is a decentralized plan that places the decisionmaking power in the hands of those directly affected by such cutbacks. The plan contains the following key points:

First, the bill calls for the creation of alternative use committees at large defense facilities. These committees, comprised of both representatives of labor and management, would develop detailed plans for the conversion of the facility to civilian-oriented production.

If such a blueprint is completed in a timely manner, that is, before the announced contract reduction, the community would be able to implement the transition of the facility, retrain its workers, and start production without the massive employee layoffs and community disruption which often occurs with contract cancellations.

A program of community assistance without preplanning at the facility level cannot succeed. History has shown that the preparation of conversion plans is a very detailed, time-consuming process. It requires the cooperation of managers, consultants, engineers, workers, and community leaders. The managers of defense-serving firms possess vital information about plant capacity, workers skills, marketing strategies, and community resources which must be uitilized in order to develop a workable conversion plan. Obviously, their participation is crucial.

The experience of military bases that have closed over the past 20 years is a common one. Bases close. Thousands of workers are laid off and transferred. The local economy is severely affected as property values decline. Overall demand in the local economy drops off as workers' incomes are reduced or they move out of the area altogether. Finally, some years later, the community regroups and begins serious planning. In many cases, the military base has been successfully converted into civilian production and the new enterprise employs more people than before. This, however, only happens after several years of hardship and economic deprivation. This economic layover can be avoided if contingency plans are made at all military installations upon their receiving a military contract.

My legislation does not ask to make business decisions for the defense-contracting firm. It only asks that they participate, in good faith, in a planning process with the community and its employees in its facility's conversion in the event their contract expires or is significantly reduced. That is it. Lend workers and the community in which they are situated your knowledge and expertise so that eventually major economic upheavals can be eased or eliminated.

In addition to the critical preplanning aspect of The Defense Economic Adjustment Act contains the following key additional components:

The bill calls for a Cabinet-level Defense Economic Adjustment Council charged with developing plans for public projects that address human needs. The Council also would serve as a clearinghouse on existing Federal programs relevant to communities affected by military cutbacks and would publish a guidebook for local conversion planners.

The Defense Economic Adjustment Act would also require one year's advance notification of plans to cut back or terminate a defense contract or a military base. The Defense Economic Adjustment Council is responsible for informing the appropriate local officials and the alternative use committees of pending cutbacks.

Finally, the bill provides for adjustment assistance for communities and workers while conversion is underway. Communities seriously affected by defense cutbacks would be eligible for Federal planning assistance, and individual workers would be eligible for adjustment benefits, including funds for retraining.

If Congress terminates a military contract, the local Alternative Use Committee would be notified in advance. This committee would then put in motion an existing plan to convert the affected plant to civilian production. The Federal Government would provide guidance and support for the workers and their community, but the new enterprise would receive no subsidy and would have to compete on its own in the marketplace.

The comprehensive plan for economic conversion contained in the Defense Economic Adjustment Act would free our Nation from the tyranny of jobs blackmail in the approval of military contracts and allow us to pursue a lasting peace without sacrificing our commitment to increasing employment. Moreover, it would contribute to a national economic renewal by providing resources necessary for the revitalizaton of basic industries and the repair of our infrastructure.

A measure included in the 1991 Department of Defense Authorization Act falls far short of the provisions advanced in this legislation. The current law does not mandate any advance planning through alternative use committees for direct conversion of defense-related plants, facilities and workers. Instead, the measure focuses on providing targeted assistance to minimize the economic dislocation resulting from lower defense spending. It does not encourage the planning for and or direct conversion of defense-related facilities to civilian uses.

The Persian Gulf crisis offers the United States the chance to set in motion the demilitarization of the American economy and the use of a growing peace dividend. We must seize the unparalleled opportunity to advance a new international framework for peace and security, reducing our reliance on military spending as our main instrument of security. The health of our Nation would be served better by investing these savings in the revitalization of the economy and in the rebuilding our Nation's failing infrastructure and education systems.

Economic conversion provides the hope that humanity will survive into a peaceful and prosperous future. it is in this spirit that I urge my colleagues to join me in support of the Defense Economic Adjustment Act.

DON LAHR: CITIZEN OF THE YEAR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, next week the Santa Maria Chamber of Commerce will name Donald E. Lahr as its "Citizen of the Year."

If there is anyone who deserves the title, it's Don Lahr. Not just because he's a close personal friend. Nor because of his civic involvement. Nor because he has a beautiful wife and four strong sons—and seven grandchildren.

No, Mr. Speaker, Don Lahr deserves this honor because he truly is an outstanding person and citizen.

Don is an Army veteran who came to Santa Maria in 1947. He attended Santa Maria Junior College, graduating from Whittier College in 1951. After a 7-year career with Sears Roebuck and Co., be became the western division manager for P.J. Gould Co. He then became division manager for Insurance Securities Trust Fund, and in 1967, founded his own company, Lahr Electric Motors, Inc.

During his long career in business, Don did not neglect his civic duties. He was president of Orcutt Unified School District, president of Santa Maria Developers, president of the Rotary Club, chairman of the Santa Barbara County Planning Commission, president of the Supervisors Advisory Committee for Orcutt, president of Santa Maria Association for the Mentally Retarded, director fo the Environmental Research Foundation, and a director of the Santa Maria Valley YMCA. As if that were not enough, a few years back he was appointed to the 37th District Fair Board by Governor Deukmejian.

Don is the husband of Doris Throckmorton Lahr, and they are the parents of Donald, Lawrence, Jeffery and Thomas Lahr. Mr. Speaker, on behalf of the U.S. House of Representatives, I want to extend our sincere congratulations to my friends Don and Doris, and to say that in my view, they will always be "Citizens of the Year."

REPEAL OF SOCIAL SECURITY EARNINGS TEST

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. STUMP. Mr. Speaker, today I am introducing legislation to repeal what I, and many others, consider to be one of the most unfair features of the Social Security Act, the so-called earnings test.

Under current law, Social Security and Railroad retirees can receive only $9,720 per year in earned income. Recipients who annually earn more than that amount generally have their retirement benefits reduced $1 for every $3 earned above the limit.

Mr. Speaker, it is particularly important to understand that the earnings test affects only earned income, such as from wages. Unearned income from investments, is not counted. Thus, the earnings test disproportionately affects low- and middle-income retirees who lack the resources to accumulate large sums of unearned income.

It is a fact that some retirees want to stay active through employment. And, some are forced to reenter the work force for economic reasons. While we should not force any retiree to return to work, neither should the Government stand in the way of anyone who wishes to return to the work force. Regardless of age, one should be able to work as much as they may need, without penalty. This country can only lose by denying our work force the wealth of knowledge and experience the retirement-age population possesses.

HONORING JOSEPH G. BALSAMO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, it is with great regret that I rise to inform our colleagues that, during the recent holiday recess, we lost an outstanding, public minded citizen.

I had known Joseph G. Balsamo for over 40 years. Throughout his life, Joe was the personification of an individual seeking a better community for himself and for future generations. He was never reluctant to pitch in to make things just a little bit better for all of us.

Joe, a native of Brooklyn, NY, served in the Pacific Theater during World War II, as I did, and like so many of our generation, he attended law school after our victory in that conflict, using the practical lessons learned on the battlefield to assist him in mastering the intellectual lessons of a legal education.

Joseph Balsamo and I were classmates at the New York Law School. Not only did we forge a life-long friendship at that time, but we developed our love for the law and for judicial process that served both of us well. Even back then, I was struck by Joe's comprehensive and his compassion. He seemed to instinctively grasp that the law exists not only to provide an orderly society, but also to help others, and to achieve justice.

Upon graduation from New York Law School, Joe relocated in Suffern, NY, where he founded the successful law firm of Balsamo, Byrne and Cipriani.

Joe was not the kind of lawyer that you run into every day. He was more like the untypical country lawyer that we see portrayed in fictional television and motion picture accounts. His law partner, John Byrne, recently stated: "There was never a client who had a problem that was too small for Joe to listen to. He listened to everybody, no matter what their problem was, and he never turned anybody away because they were unable to afford a fee."

Not content merely to become one of the most respected trial attorneys in our part of New York State, Joe also dove headlong into community service. He became chairman of the Village Zoning Board of Appeals at a time when the village of Suffern was facing unprecedented post-war growth. Joe Balsamo helped steer the village along the proper path of con-

trolling the growth so that its benefits could be felt by all.

Joe Balsamo was elected to the Town Council of the town of Ramapo in 1960. In that position, he worked diligently to develop a modern, efficient police department for the town of Ramapo. During the 1960's, he spearheaded the commission which created the new county charter for Rockland County, NY. When that county charter was adopted, Joe was elected to the first-ever Rockland County Legislature, serving from 1969 to 1974, and serving for 2 of those years as legislative majority leader.

Listing the organizations that Joe Balsamo helped, either in leadership positions or with fund-raising activities, reads like a cross-section of our society. In addition to serving on the Board of Directors of the Mahwah Savings and Loan, he was active in the Rockland County Bar Association, the Suffern Rotary Club, the Boy Scouts of America, Good Samaritan Hospital, the Salvation Army, the YMCA, Sacred Heart Church, the American Legion, and the Rockland County Cancer Fund and Polio Fund drives.

Mr. Speaker, I was deeply honored that Joseph G. Balsamo agreed to serve as the chairman of our citizens for Gilman Organization during the 1980's. In that capacity, he served as an inspiration to those who had organized to bring about my reelection to Congress. For his service above and beyond the call of duty, I will always be grateful.

Regrettably, Joe Balsamo passed away on Thanksgiving Day. His is a voice that will be sorely missed throughout our region.

Mr. Speaker, I invite our colleagues to join me in expressing condolences to Joe's widow, Ina; to their sons, David, Stephen, James, and Dr. Joseph, Jr.; to their daughters, Karen, Elizabeth, and Kimberly; to Joe's sister, Rafaela; to Joe's brothers, Gaetano and Anthonly; and to Joe's 10 grandchildren.

With the passing of Joseph G. Balsamo, the community has lost an outstanding leader, and I have lost a warm and sincere friend.

GIRLS AND WOMEN IN SPORTS DAY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. SNOWE. Mr. Speaker, I rise today to introduce legislation designating February 7, 1991 as "National Girls and Women in Sports Day."

Setting aside a day to commemorate the participation, achievement, and excellence of girls and women in sports has been a tradition for 4 years.

Participation in athletics at any level has proven to be significant for emotional and physical development of our youth. Through sports, girls learn to take initiatives, to work well with others, and develop a positive self-image.

National Girls and Women in Sports Day, while recognizing the outstanding accomplishments of girls and women in sports, will also point to the fact that women students and coaches still have fewer opportunities for athletic achievements than men at the same institutions.

Today, women represent about 33.66 percent of intercollegiate athletes and this figure continues to rise. Women holding administrative positions in women's programs are up 3.3 percent from 1988.

Unfortunately, other aspects of women's athletics and the opportunities for women athletes still do not equal that of men. For example, only 47.3 percent of women's teams are coached by women—down from 90 percent in 1972. In addition, only 15.9 percent of women's programs are headed by a female administrator—also down from 90 percent in 1972.

While I recognize that progress has been made in some areas of girl's and women's athletics programs, I believe we must acknowledge the large inequities that still exist for women in the area of athletics, particularly in the administration and coaching of female athletes.

In a nation that continues to support professional football, baseball, basketball, and hockey for men in a manner that far outweighs support for such athletic competition for women, I urge you to join me in sponsoring the "National Girls and Women in Sports Day" to help stress the importance of women's continued participation, achievement, and excellence in sports.

National Girls and Women in Sports Day will be a step toward giving women in sports the recognition they deserve. Hopefully, the introduction of this resolution will encourage more girls and women to experience the pleasure of sports activity that develops lifelong habits of physical fitness and social and emotional well-being.

INVESTIGATE SAVINGS AND LOAN CORRUPTION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WELDON. Mr. Speaker, over the last few months, reports of the cost of the savings and loan bailout have continued to mount. It is a substantial contributor to the deficit problem and will cost the average American more than $2,000 in taxes.

There are, no doubt, a number of causes for the collapse of the savings and loan industry. Lax State laws, corruption by corporate officials, and the economic downturn in certain areas of the Nation all played a role. But there can be no doubt that some Government officials contributed to the crisis.

The public hearings in the Senate have shown that there are a number of unresolved questions about the conduct of various Government officials. The hearings have pointed out problems in the conduct of both elected and unelected officials. Unfortunately, this is just the tip of the iceberg.

I am therefore introducing a resolution calling for the appointment of an independent counsel to investigate the involvement of Government officials in the savings and loan scandal. The American people deserve to have a full and complete accounting of the role of public officials in this economic disaster.

Mr. Speaker, similar legislation last year had more than 227 cosponsors. In the time since the adjournment of the 101st Congress, the need for an independent counsel has not diminished. I hope that my colleagues will join my effort to have a full and complete accounting of misconduct by Government officials which contributed to the savings and loan scandal.

STOP COLLUSION IN THE NORTH OF IRELAND

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ENGEL. Mr. Speaker, I am reintroducing legislation today that would take an important step toward permanently ending United States support for collusion between the Royal Ulster Constabulary, the Ulster Defense Regiment, and Unionist hit squads in the six counties.

The Royal Ulster Constabulary and the Ulster Defense Regiment have a well-documented history of collusion with Protestant extremist groups in the north of Ireland. Most recently the Stevens Inquiry, sponsored by the British Government, found that collusion has been taking place between the RUC and the UDR, and extremist groups since the mid-1970's. As a result of the Stevens inquiry, 94 arrests were made and 83 recommendations were suggested to improve the procedures for handling sensitive information by the RUC and the UDR so as to insure that critical intelligence is not leaked to extremist groups.

As a result of the clear links between the RUC, the UDR, and terrorist groups in the six counties, a number of assassinations of suspected Republican sympathizers have occurred and scores of others have been threatened. Clearly, the United States, under any circumstances, should not be in a position of support for groups like the RUC and the UDR.

My bill would statutorily end sales of defense and law enforcement equipment from the United States and U.S. companies to the RUC and the UDR. It is very important that Congress act to reduce violence in the six counties by sending a clear message that it will do all it can to prevent the sectarian terror that has caused so much grief and suffering in the north of Ireland. I urge my colleagues to support this legislation.

CONSTITUTIONAL AMENDMENT TO LIMIT TERMS OF OFFICE FOR MEMBERS OF CONGRESS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SCHULZE. Mr. Speaker, I rise today to introduce an amendment to the Constitution to limit the terms of Members of Congress to 18 years—three 6-year terms for Senators and six 3-year terms for Members of the House.

When our Founding Fathers first envisioned citizen legislators leaving their farms for a few short weeks to work for the common good, little could they imagine the scope and expense of today's campaigns. Neither did they envision a representative body which would alter its rules to virtually ensure reelection.

It is time to limit continuous House campaigns and fundraising by increasing terms for Members from 2 to 3 years. The time has come to encourage vigorous and active leadership by all committee chairmen by requiring they step down after 18 years to allow new ideas to take hold. By limiting all Members of Congress to 18 years of continuous service, we are strengthening the position of our Founding Fathers in the idea of a citizen body to formulate long-term policies for our Nation.

Mr. Speaker, I urge my colleagues to cosponsor my resolution and reduce the role of partisan politics in the Congress and increase our ability to more effectively represent our constituents. It is time to enact a constitutional amendment to limit terms of office for Members of Congress.

NATIONAL OIL SECURITY POLICY ACT OF 1991

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, the National Oil Security Policy Act of 1991, addresses the critical need to establish a national security-oriented energy policy, especially in response to the current oil price collapse and the continuing devastation of our domestic energy production industry.

This measure calls for a national energy policy that would limit our dependence on foreign oil to 50 percent of domestic oil consumption, requiring the President to annually assess U.S. oil production, demand and imports for the subsequent 3 years. If the evaluation shows that foreign oil dependence will exceed the 50 percent level, the President would then be required, within 90 days, to present Congress with a plan to prevent further dependence on foreign oil through production incentives, renewable energy proposals, an oil import fee, or any other appropriate measures.

Congress would then have 90 days to accept, modify, or reject the plan by passing a joint resolution.

The extent to which this Nation has grown to depend upon insecure foreign sources of petroleum is alarming. Last year, petroleum imports averaged over 6 million barrels per day—close to 40 percent of domestic demand. Not since 1980 have petroleum imports reached such a significant percentage of demand.

We are aware of the volatility of oil in the international arena. We are again becoming increasingly dependent for critical energy sources on nations which will not hesitate to artificially control price, supply, and even availability—nations which have selfishly demonstrated in the past that they do not have the best interests of the United States, or the stability of the world economy, at heart.

In order to ensure the viability of our domestic oil production industry, I have introduced legislation today to keep us from growing more dependent on foreign energy sources, and I invite my colleagues to join me in cosponsoring this important measure.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Oil Security Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States is the leader of the free world and has world wide responsibilities to promote economic and political security;

(2) the exercise of traditional responsibilities here and abroad in foreign policy requires that the United States be free of the risk of energy blackmail in times of shortages;

(3) the level of the United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas;

(4) a national energy policy should be developed which ensures that adequate supplies of oil shall be available at all times free of the threat of embargo or other foreign hostile acts; and

(5) the ability of the United States to exercise its free will and to carry out its responsibilities as leader of the free world could be jeopardized by an excessive dependence on foreign oil imports.

(b) PURPOSE.—The purpose of this Act is to establish a national energy security policy designed to limit United States dependence on foreign oil supplies.

SEC. 3. DUTIES OF THE PRESIDENT.

(a) ESTABLISHING OF CEILING.—The President shall establish a National Oil Import Ceiling (referred to in this Act as the "ceiling level") which shall represent a ceiling level beyond which foreign crude and oil product imports as a share of United States oil consumption shall not rise.

(b) LEVEL OF CEILING.—The ceiling level established under subsection (a) shall not exceed 50 per centum of United States crude and oil product consumption for any annual period.

(c) REPORT.—(1) The President shall prepare and submit an annual report to Congress containing a national oil security projection (in this Act referred to as the "projection"), which shall contain a forecast of domestic oil and NGL demand and production, and imports of crude and oil product for the subsequent three years. The projection shall contain appropriate adjustments for expected price and production changes.

(2) The projection prepared pursuant to paragraph (1) shall be presented to Congress with the Budget. The President shall certify whether foreign crude and oil product imports will exceed the ceiling level during the next three years.

SEC. 4. CONGRESSIONAL REVIEW.

The Congress shall have ten continuous session days after submission of each projection to preview the projection and make a determination whether the ceiling level will be violated within three years. Unless disapproved or modified by joint resolution, the Presidential certification shall be binding ten session days after being submitted to Congress.

SEC. 5. ENERGY PRODUCTION AND OIL SECURITY ACTIONS.

ENERGY PRODUCTION AND OIL SECURITY POLICY.—(1) Upon certification that the ceiling level will be exceeded, the President is required within ninety days to submit an Energy Production and Oil Security Policy (in this Act referred to as the "policy") to Congress. The Policy shall prevent crude and product imports exceeding the National Oil Import Ceiling. Unless disapproved or modified by joint resolution, the policy shall be effective ninety session days after being submitted to Congress.

(2) The Energy Production and Oil Security Policy may include—

(A) oil import fee;

(B) energy conservation actions including improved fuel efficiency for automobiles;

(C) expansion of the Strategic Petroleum Reserves to maintain a ninety-day cushion against projected oil import blockages; and

(D) production incentives for domestic oil and gas including tax and other incentives for stripper oil production, offshore, frontier, and other oil produced with tertiary recovery techniques.

HOLD OMB ACCOUNTABLE FOR REVIEW ACTIVITIES

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today I am reintroducing legislation to require the Office of Management and Budget [OMB] to publicly disclose its regulatory activities. As my colleagues are aware, OMB now exerts a major influence on the regulatory activities of all Federal agencies, especially in the areas of health, safety, and the environment. The time has come to hold OMB more accountable for its actions.

Congress has passed health and safety laws, and delegated implementation of those laws only to the specific agencies with expertise in the relevant subject matter. OMB has no statutory right to alter the decisions of the agencies empowered by Congress to protect the public's health. Therefore, as far as I am concerned, OMB's so-called regulatory review activities over the last 10 years are illegal.

One of the most troubling aspect of OMB's review of regulations is the secrecy in which it takes place. Behind closed doors, nameless and faceless OMB employees—using the powers granted them not by statute, but by Executive order—have forced expert agencies like the Food and Drug Administration to alter regulations. Often these orders are issued over the phone, with no documentation of the communication.

While reasonable persons may disagree over the proper scope of "regulatory review," I hope we can all agree that our system of open, participatory demands that Congress and the public be provided access to the record of OMB's influence in regulatory decisionmaking. The Administrative Procedure Act and fundamental principles of constitutional law demand as much.

The Government Operations Subcommittee on Human Resources and Intergovernmental Relations, which I have the privilege to chair,

has documented numerous instances where OMB has influenced and interfered with the decisionmaking process in critical areas such as food safety. I enclose for the RECORD a brief summary of some of the cases of OMB interference that my subcommittee has encountered in the past several years.

My subcommittee is not alone in revealing OMB's tampering with the regulatory process. Cases of OMB meddling with the actions of the Environmental Protection Agency, the Occupational Safety and Health Administration, and other health and safety agencies can be obtained from a variety of committees and subcommittees in the House and the Senate.

My bill is designed to assure that an administrative record, similar to that required at the agency level, is created that describes OMB's substantive activities. The proposal is titled the "Regulatory Influence and Reporting Amendments," and contains five primary components. They are:

First, require OMB to summarize in writing all oral communications with non-OMB persons regarding any regulatory activity OMB is reviewing or has an interest in, within 1 day of the communication; require these written summaries, and any written communications between OMB and non-OMB persons, to be made publicly available within 3 days after the communication is logged or received.

Second, require OMB to make any changes or suggestions it has for draft regulations in writing, together with a justification for those changes, to be signed by the Administrator of the Office of Information and Regulatory Affairs; require this writing to be publicly available within 3 days after the changes are signed off by the Administrator.

Third, require OMB to invite an agency to any meeting OMB has with any non-OMB person regading any regulatory activity of that agency under review.

Fourth, require each agency to place in the rulemaking record the draft of each rule or regulation submitted to OMB for review, along with a copy of any changes or suggestions made by OMB; also require each agency to make a written summary of any oral communications with OMB and place those summaries on the rulemaking record.

Fifth, limit the time for OMB review of regulations to 30 days and order the publication in the Federal Register of any regulation if the 30-day period for review expires without OMB action.

The Committee on Government Operations may again consider the reauthorization of the Paperwork Reduction Act. In the 101st Congress, legislation was introduced in the House and Senate to reauthorize the Paperwork Reduction Act. The House passed their bill, but the Senate did not.

One of the issues that arose last session was the decision to make OMB's regulatory review activities the subject of a separate, nonbinding wirtten agreement between OMB and the chairman and ranking minority member of the Committee on Government Operations. I opposed this "sidebar" agreement because it was unenforceable and set a dangerous precedent that bypassed the normal legislative process.

I hope that in the 102d Congress we will enact effective legislation to make OMB answerable to the American people. I look forward to working with other committee members in crafting comprehensive legislation to bring OMB's considerable regulatory influence under public scrutiny.

EXAMPLES OF OMB INTERFERENCE REVEALED BY THE HUMAN RESOURCES AND INTERGOVERNMENTAL RELATIONS SUBCOMMITTEE

HEALTH CLAIMS

In 1987, FDA was forced to reverse an 81-year prohibition against explicit disease-prevention claims on food labels. FDA had wanted to keep the long-standing policy in place while it cautiously examined an appropriate system to allow health claims. Instead, OMB forced FDA to expressly abandon the 81-year old ban and plunge ahead with a vague proposed rule to allow health claims. In 1988, FDA drafted a final rule to correct the most serious weaknesses in the 1987 proposal. However, OMB prohibited FDA from publishing that rule and deceptive health claims proliferated. ("FDA's Continuing Failure To Prevent Deceptive Health Claims for Food", H. Rept. 101-980, 101st Cong., 2d Sess., November 14, 1990.)

COLOR ADDITIVES

In 1982, FDA was prepared to ban six different color additives because agency scientists determined that the additives caused cancer in animals. Under a provision of the Food, Drug and Cosmetic Act known as the Delaney clause, carcinogenic additives must be banned.

At the urging of color additive manufacturers, OMB held numerous meetings with officials of FDA and the Department of Health and Human Services in an attempt to prevent some or all of the dyes from being banned. In a report that was unanimously approved by our full committee, we found that:

OMB's efforts to influence the Department's regulations of color additives found to be animal carcinogens interfered with scientific, public health decisions that Congress expected the Department and its experts to make. ("HHS' Failure to Enforce the Food, Drug, and Cosmetic Act: The Case of Cancer-Causing Color Additives," H. Rept. 99-151, 99th Cong., 1st Sess., June 3, 1985, p. 63.)

REGULATION OF THE USE AND SALE OF EXPERIMENTAL DRUGS

In a 1987 hearing, our subcommittee revealed that, at OMB's insistence, the proposed standard of approval for experimental drugs to treat "life-threatening" illnesses was drastically altered. ("FDA Proposals to Ease Restrictions on the Use and Sale of Experimental Drugs," 100th Cong., 1st Sess., April 29, 1987.) Prior to OMB's involvement, FDA proposed that drug sponsors bore the burden of demonstrating that a drug's benefits outweighed its risks, and that sufficient evidence of safety and efficacy existed.

However, OMB ordered that FDA's proposed standard be changed. A new proposal removed the language requiring sufficient evidence of safety and efficacy. Instead, OMB placed the burden on FDA to prove that the risks posed by a drug were "unreasonable" before the agency could reject an application.

This case was all the more troubling because there was no documentation to identify which OMB employees were responsible for rejecting an FDA proposal that sufficient evidence of a drug's safety and efficacy be required as a condition for approving an experimental drug. OMB was simply acting in the dark.

VIDEO DISPLAY TERMINALS

In 1982, the National Institute of Occupational Safety and Health (NIOSH) started planning a study of the possible hazards of video display terminals (VDTs) on pregnant women, in response to reports of birth defects, miscarriages, stillbirths, and other reproductive problems. In 1985, the study design was completed, but OMB refused to approve it.

OMB had no scientific staff to review the proposed study, so its criticisms were based in large part on reviews conducted by two industry consultants. NIOSH revised the study and tried to answer the concerns raised by OMB. In June 1986, OMB approved the study, under the condition that NIOSH delete 69 questions about stress at work and fertility, which represented approximately one-third of the interview.

Scientists at NIOSH and the Office of Technology Assessment stated that the revisions would seriously weaken the study. Nevertheless, OMB insisted that its revisions be incorporated. In so doing, OMB ignored the recommendations in our report ("Occupational Health Hazard Surveillance: 72 Years Behind and Counting," H. Rept. 99-979, 99th Cong., 2d Sess., October 8, 1986), and numerous other objections to the OMB revisions.

A study published last year, indicated that VDTs may be causing 100,000 miscarriages a year nationwide, and may also cause birth defects. The NIOSH study is still not completed. However, whatever the results of the NIOSH study, it will be extremely difficult to draw any conclusions, because of the shortcomings of that study—shortcomings that were created by OMB's interference.

H.R. —

Be it enacted by theSenate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Influence Reporting Amendments of 1991".

SEC. 2. REPORTING REQUIREMENTS.

(a) LOGGING AND DISCLOSURE OF ORAL AND WRITTEN COMMUNICATIONS.—

(1) LOGGING OF ORAL COMMUNICATIONS.—An employee of the Office of Management and Budget shall log in writing each oral communication between that employee and any person who is not such an employee, which relates to any regulatory activity not later than one day after the date of that communication.

(2) INFORMATION TO BE LOGGED.—Information logged pursuant to this subsection shall include—

(A) the date of the communication;

(B) the names, titles, and affiliations of the participants in the communication;

(C) the subject matter of the communication; and

(D) a brief summary of the substance of the communication.

(3) AVAILABILITY OF INFORMATION.—Information logged under this subsection, and any written communication between an employee of the Office of Management and Budget and any other person regarding any activity of the Office of Management and Budget, shall be made available to the public in the same manner as written communications are required to be made available pursuant to section 3507(h) of title 44, United States Code, not later than 3 days after the date the oral communication to which the information relates is logged or the written communication is made or received by the employee, respectively.

(b) SEPARATE RECORD OF REVIEW.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall establish and maintain a separate record for each regulatory activity reviewed by the Office of Management and Budget.

(2) CONTENT OF RECORD.—Each record established pursuant to this section shall include with respect to the regulatory activity that is the subject of the record—

(A) copies of all written materials which are—

(i) received by the Office of Management and Budget from a person who is not an employee of the Office of Management and Budget; or

(ii) provided by the Office of Management and Budget to such a person;

(B) copies of all information logged pursuant to subsection (a); and

(C) copies of any changes made or suggested by the Office of Management and Budget in the regulatory activity under review, including the reasons for such changes are required by subsection (e).

(3) AVAILABILITY OF MATERIALS, INFORMATION, AND CHANGES.—All materials, information, and changes and the reasons therefor referred to in paragraph (2) shall be made available to the public not later than 3 days after they are received, provided, logged, or made, as applicable, in the same manner as written communications are required to be made available pursuant to section 3507(h) of title 44, United States Code.

(c) NOTIFICATION OF AGENCY REGARDING MEETINGS AND CONTRACTS.—The Director of the Office of Management and Budget—

(1) shall notify the head of an agency of all meetings and other contracts between employees of the Office of Management and Budget and any person who is not such an employee concerning any regulatory activity of that agency; and

(2) shall provide that agency head or his or her designee a reasonable opportunity to attend any such meeting.

(d) MAINTENANCE OF RECORDS BY AGENCY ISSUING RULES.—The head of each agency shall include in the record of each rule or regulation submitted by the agency for review by the Office of Management and Budget—

(1) copies of all drafts of advanced notices of proposed rulemaking, notices of proposed rulemaking, and notices of final rules; and

(2) copies of any changes in the rule or regulation (including changes in any advanced notice of proposed rulemaking, notice of proposed rulemaking, or notice of final rule relating to that rule or regulation) made or suggested by the Office of Management and Budget, including the reasons for such changes which are provided to the agency by the Director of the Office of Management and Budget pursuant to subsection (e)(2).

(e) PERIOD FOR REVIEW.—

(1) IN GENERAL.—(A) The Director of the Office of Management and Budget shall complete review of any regulatory activity of an agency not later than the earlier of—

(i) 30 days after the date of the submission of the regulatory activity to the Office of Management and Budget by the agency; and

(ii) any date established by statute or court order for completion of the regulatory activity.

(B) The period provided for by subparagraph (A) for completion of review of a regulatory activity by the Director shall not be extended.

(c) CHANGES.—Each change in a regulatory activity, which is made or proposed by an employee of the Office of Management and Budget shall be—

(A) submitted by the Office of Management and Budget in writing to the head of the agency conducting the regulatory activity, with a statement of the reasons for such change or proposed change; and

(B) signed by the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

(3) PUBLICATION.—The head of an agency which submits an advanced notice of proposed rulemaking, notice of proposed rulemaking, proposed rule, or final rule to the Office of Management and Budget for review shall publish the contents of that submission in the Federal Register at the end of the 30-day period described in paragraph (1) if the Director fails to act within that period.

(f) EFFECT ON RULEMAKING AUTHORITY.—Nothing in this Act shall alter in any manner—

(1) the authority of any agency to initiate, conduct, or complete a rulemaking proceeding; or

(2) the criteria for rulemaking established by any other law.

(g) EFFECT ON DISCLOSURE REQUIREMENTS.—This Act shall not be considered—

(1) to alter the authority of the Congress to obtain information from any agency in the executive branch of the Federal Government; or

(2) to require the public disclosure of—

(A) any communications between the Office of Management and Budget and any other office within the Executive Office of the President; or

(B) any information which is exempted from disclosure under section 552(b) (1), (3), (4), and (6) through (9) of title 5, United States Code.

SEC. 3. AGENCY LOGGING AND DISCLOSURE OF ORAL COMMUNICATIONS WITH OMB.

Section 553 of title 5, United States Code, is amended by inserting after subsection (e) the following:

"(f)(1) An employee of an agency shall log in writing each oral communication between that employee and any employee of the Office of Management and Budget, which relates to any regulatory activity not later than one day after the date of that communication.

"(2) Information logged pursuant to this subsection shall include—

"(A) the date of the communication;

"(B) the names, titles, and affiliations of the participants in the communication;

"(C) the subject matter of the communication; and

"(D) a brief summary of the substance of the communication.

"(3) Information logged under this subsection, and any written communication between an employee of an agency and any employee of the Office of Management and Budget regarding any regulatory activity of the agency, shall be make available to the public in the same manner as written communications are required to be made available pursuant to section 3507(h) of title 44, United States Code, not later than 3 days after the date the oral communication to which the information relates is logged or the written communication is made or received by the agency employee, respectively.

"(4) In this subsection—

"(A) the term 'regulatory activity' means any advance notice of proposed rulemaking, notice of proposed rulemaking, notice of a final rule, and any other activity that could affect an agency decision or action;

"(B) the term 'oral communication' includes any meeting, phone conversation, briefing, or discussion;

"(C) the term 'rule'—

"(i) means any agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency; and

"(ii) does not include any administrative action which is subject to sections 556 and 557 of title 5, United States Code.".

SEC. 4. DEFINITIONS.

In this Act—

(1) ORAL COMMUNICATION.—The term "oral communication" includes any meeting, phone conversation, briefing, or discussion.

(2) REGULATORY ACTIVITY.—The term "regulatory activity" means any advance notice of proposed rulemaking, notice of proposed rulemaking, notice of a final rule, and any other activity that could affect an agency decision or action.

(3) RULE.—The term "rule"—

(A) means any agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency; and

(B) does not include any administrative action which is subject to sections 556 and 557 of title 5, United States Code.

ENCOURAGE THE RECYCLING OF PAPER PRODUCTS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, the Environmental Protection Agency estimates that paper products will constitute approximately 40 percent of the municipal solid waste stream by the year 2000. In order to curb this trend, now is the time to establish and provide incentives which encourage the recycling of paper products.

Today I am introducing legislation to provide that incentive to companies which mass mail paper products through the U.S. Postal Services' second- and third-class mail.

In 1989—the last year of complete records—the U.S. Postal Service delivered approximately 62.8 billion pieces of third-class mail and approximately 10.5 billion pieces of second-class mail to households in the United States. The combined weight of second- and third-class mail in 1989, totaled approximately 11.6 billion pounds, the equivalent of approximately 46.5 pounds per American citizen.

Considering each ton of recycled paper produced saves approximately 17 trees, 11.6 billion pounds of recycled paper would save approximately 99 million trees.

In order to encourage recycling, to save millions of trees, and to reduce our solid waste stream, I am introducing legislation which requires the U.S. Postal Service to study and report to Congress on the feasibility of establishing lower rates for any second- and third-class mail matter which uses recycled paper and materials.

By creating a lower mail rate for mailings using recycled materials, we can make it beneficial for mailers to use recycled goods. I urge my colleagues to support and cosponsor this much-needed legislation.

A TRIBUTE TO PHIL CUMMINGS

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BILBRAY. Mr. Speaker, I rise with great sadness today to honor the memory of a long time friend of my family's and the Las Vegas community, Phil Cummings. Mr. Cummings sadly passed away on December 10, 1990 at the age of 82.

A long time Las Vegas businessman, Mr. Cummings owned a variety of businesses including the now famous Hitching Post Wedding Chapel. In addition, he served as Clark County Deputy Labor Commissioner and later as the Clark County Public Administrator for 12 years, where he was a good friend of my father's, former County Assessor James A. Bilbray.

Although not a native of Las Vegas, Phil Cummings strived for the betterment of southern Nevada. He was recognized for his work in behalf of his work for Boys Town and infantile paralysis. He also served on President Kennedy's Committee on Employment of the Handicapped. His leadership could also be found in his post as president of the Las Vegas chapter of the City of Hope, the Jaycees, and the International Footprinters Association.

Phil Cummings led a long and distinguished life in the service of the Las Vegas community. It is sad to see a man of his character and motivation pass away. He will be missed. Let us hope that others will follow his example and strive to better their community in the way that Phil Cummings did.

PRAY FOR PEACE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HYDE. Mr. Speaker, Mrs. Peggy Stanton, a good friend and a former television journalist, has begun working with some similarly minded people who believe we ought to use the ultimate resource of national prayer in our effort to achieve peace in the Middle East. I am pleased to join her effort and share her communication with my colleagues.

TO MEN AND WOMEN OF GOOD WILL THROUGHOUT THE WORLD: RE: THE PERSIAN GULF CRISIS

Please join us in an International Day of Prayer and Fasting, January 6, 1991.

1. To thank God for the safe return of all the hostages.

2. To thank God for the bravery of the men and women in the Persian Gulf.

3. To thank God for this period of grace before decisions of war are made.

4. To ask God to guide the minds and hearts of the leaders involved in the conflict to a just and permanent solution without bloodshed.

5. To ask God to grant all of us the gifts of forgiveness and reconciliation.

At the hour of 3 o'clock e.s.t. we ask all participating people in every nation to pray together on bended knee.

Please pass the word.

PEACE THROUGH PRAYER

Peace through prayer may seem an impossible goal in this complex world, but consider this. Could any of us have predicted 5, 4, 3, even 2 years ago that the Berlin Wall would fall in the September of 1989; that Germany would be united in 1990; that the Eastern bloc countries would throw off the yoke of communism; that the Churches in Russia would be filled?

Miracles are becoming almost commonplace in this momentous era of history. Why not try for one in the Middle East?

Is it not a miracle, even now, that hundreds of hostages have been freed; that in one of the world's most volatile arenas, nearly a million soldiers—separated by only a few miles of sand—have stood ready to fight one another for five months with some of the most frightening weaponry ever devised by man and still the battle has not been joined—even by accident?

Is it not possible that God is granting us an extraordinary period of grace—just waiting for us to seek His intervention? Since the greatest gift He has given us is free will, He would surely wait to be asked. What are *we* waiting for?

The argument may well be: people *are* praying. And they are. But perhaps it is time to take prayer out of the privacy of our own community and put it in the public spotlight to dramatize the brotherhood and sisterhood of humankind. We are, after all, children of the same Father.

Someone once said—praying alone is like hearing God in mono. Praying together is hearing Him in stereo.

Have we ever needed to hear Him more?

ANTITRUST EXEMPTION FOR INDEPENDENT NATURAL GAS PRODUCERS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, today I am introducing a simple measure to benefit small, independent natural gas producers.

My overriding concern with the state of the energy industry in general is for its survival and the importance of our energy independence to our national security.

In order to enable small gas producers to more readily get their gas to market, I have introduced a bill which would provide antitrust exemptions to allow them to form cooperatives to pool and market large quantities of gas. With so many of these small producers unable to find buyers for their production, passage of my measure would go a long way toward ensuring the viability of this important segment of our domestic energy industry.

With increased interest on the part of producers as well as consumers, I am confident that this issue will warrant the attention of my colleagues in the 102d Congress. I therefore invite my colleagues to join me in support of this modest proposal to enable our small domestic gas producers to get their production to market.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVAILABILITY OF ANTITRUST DEFENSE.

There shall be available as a defense to any civil or criminal action brought under the Federal antitrust laws, as that term is defined in section 2(37) of the Natural Gas Policy Act of 1978, or any similar State law, with respect to actions taken to develop cooperative associations of independent producers of natural gas or actions taken by such cooperative associations to carry out any voluntary agreement or plan of action to market natural gas in interstate commerce if—

(1) such action is necessary to market natural gas, and

(2) such action is not taken for the purpose of reducing competition.

SEC. 2. DEFINITION OF INDEPENDENT PRODUCER.

For the purpose of this Act, the term "independent producer" has the same meaning as that term has in section 4992(b) of the Internal Revenue Code of 1954.

THE SMOKING AND HEALTH ADVERTISING ACT OF 1991

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today I am reintroducing legislation which will invigorate the campaign to educate the public about the hazardous effects of cigarette smoking. The Smoking and Health Advertising Act of 1991 would require tobacco companies to spend an amount equal or greater to 5 percent of their advertising and promotional budget on public health messages detailing the dangers of smoking.

Specifically, this bill amends the Internal Revenue Code of 1986 to disallow the deduction for advertising or other promotion expenses with respect to the sales of tobacco products unless the taxpayer—the tobacco companies—pays for the specified amount of advertising on the health effects of smoking. All advertisements would be prepared by, or approved by the Secretary of Health and Human Services [HHS] so as to assure their quality.

It is critical that we take these measures now to strengthen the public health campaign on smoking. According to the Surgeon General, 390,000 people die annually of smoking related illnesses. The tragedy is that these premature deaths could be prevented. Despite overwhelming evidence that cigarette smoking is a grave health hazard, people continue to smoke and young people continue to initiate the deadly habit.

Recent studies show that at least 80 to 85 percent of the American smoking population starts smoking before the age of 20. Though a variety of psychological and sociological factors may influence an individual's decision to smoke, there can be no doubt that the highly visible advertising and promotional crusade launched by the tobacco industry lures prospective smokers, particularly our young people.

Cigarettes are one of the Nation's most heavily advertised consumer products. In addition to purchasing ads in magazines, news-

papers, and on billboards, cigarette companies vie for the public's attention by sponsoring entertainment, cultural, and sporting events.

While the public is bombarded by this prosmoking campaign, antismoking and public health messages nearly are invisible. Numerous studies have indicated that counteradvertising is a highly effective way to discourage smoking. However, the resources to produce, distribute, and most importantly purchase magazine space or television time are woefully inadequate. The legislation I am introducing today will revitalize the counteradvertising movement.

In addition to the Smoking and Health Advertising Act of 1991, I also am introducing today a resolution, expressing the sense of the House of Representatives, that the Federal Government should encourage both electronic and print media to air or print more antismoking advertisements as a public service.

It is clear that the time has come for a renewed Federal commitment to eliminating smoking in the United States. I believe the bills I have introduced go a long way toward this goal by providing a two-tiered approach to bringing much-needed information about the perils of smoking to the American people. We can save some money, but more importantly we can save lives.

Below are printed copies of both bills:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smoking and Health Advertising Act of 1991".

SEC. 2. DISALLOW OF DEDUCTION FOR ADVERTISING OR OTHER PROMOTION EXPENSES WITH RESPECT TO SALES OF TOBACCO PRODUCTS UNLESS TAXPAYER PAYS FOR A CERTAIN AMOUNT OF ADVERTISING ON THE HEALTH EFFECTS OF SMOKING.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items not deductible is amended by adding at the end thereof the following new section:

"SEC. 280I TOBACCO AND TOBACCO PRODUCT SALES PROMOTION EXPENSES.

"(a) GENERAL RULE.—Except as provided in subsection (b), no deduction shall be allowed under this chapter for any tobacco and tobacco product sale promotion expense.

"(b) EXCEPTION WHERE TAXPAYER PAYS FOR CERTAIN ADVERTISING.—

"(1) IN GENERAL.—Subsection (a) shall not apply to any taxpayer for any taxable year if—

"(A) the amount paid or incurred by the taxpayer during the taxable year with respect to qualified health-awareness advertisting, exceeds

"(B) 5 percent of the tobacco and tobacco product sale promotion expenses of the taxpayer for the taxable year.

"(2) QUALIFIED HEALTH-AWARENESS ADVERTISING.—For purposes of paragraph (1), the term 'qualified health-awareness advertising' means any advertisement which—

"(A) is for purposes of informing the public on the health effects of smoking or using smokeless tobacco products, and

"(B) is prepared by, or approved by, the Secretary of Health and Human Services, in consultation with nationally recognized cancer, heart, and lung associations.

"(c) TOBACCO AND TOBACCO PRODUCT SALE PROMOTION EXPENSE.—For purposes of this section—

"(1) IN GENERAL.—The term 'tobacco and tobacco product sale promotion expense' means any amount otherwise allowable as a deduction under this chapter with respect to—

"(A) any advertisement primarily for purposes of—

"(i) promoting the sale of tobacco and tobacco products, or

"(ii) informing or influencing the general public (or any segment thereof) with respect to tobacco and tobacco products, or

"(B) any of the following incurred or provided primarily for purposes described in subparagraph (A)—

"(i) travel expenses (including meals and lodging),

"(ii) any amount attributable to goods or services of a type generally considered to constitute entertainment, amusement, or recreation or to the use of a facility in connection with the providing of such goods or services,

"(iii) gifts, or

"(iv) other promotion expenses. Such term shall not include any amount paid or incurred with respect to any qualified health-awareness advertising (as defined in subsection (b)(2)).

"(2) TOBACCO AND TOBACCO PRODUCTS.—The term 'tobacco and tobacco products' means any small cigarette, large cigarette, cigar, pipe tobacco, tobacco which may be rolled into a cigarette, or smokeless tobacco product, including snuff and chewing tobacco.

"(d) REGULATIONS.—Within 90 days after the date of the enactment of this section, the Secretary shall prescribe such regulations as may be necessary to carry out the purpose of this section."

(b) CLERICAL AMENDMENT.—The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 280I. Tobacco and tobacco product sales promotion expenses."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

H.R. —

Whereas over 390,000 premature deaths each year are caused by tobacco-related illness;

Whereas 142,000 or more deaths in the United States each year are due to lung cancer which is far more than the number of deaths caused by any other disease;

Whereas nonsmokers are at risk as well as smokers as shown in a report by the Surgeon General that an estimated 46,000 deaths annually can be attributed to passive smoking;

Whereas smoking related diseases cost the United States health care system an estimated $22,000,000,000 yearly and the Federal Government pays approximately $4,200,000,000 yearly for smoking-related health care;

Whereas a smoke-free society would improve the health and environment of all Americans;

Whereas massive and readily accessible education as to the deadly effects of cigarette smoking may discourage young adults from beginning to smoke and may encourage smokers to stop; and

Whereas television, radio, and magazines are the major forms of communication nationwide: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Federal Government should strongly encourage both print and electronic media to voluntarily print or air public service messages describing the deadly effects of cigarette smoking and that such an action would be a critical step in protecting the health of all American citizens.

WE NEED A BALANCED BUDGET AMENDMENT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. SNOWE. Mr. Speaker, today, on the first day of the 102d Congress, I am sponsoring legislation that provides for a balanced budget amendment to the Constitution. Given the critical need to continue reducing the Federal deficit so that our economy can pull out of its current slump, it is essential that this bill be adopted.

Last year, on July 17, the House failed to adopt this measure by only 7 votes. Although a strong bipartisan majority of the House voted 279 to 150 in support of House Joint Resolution 268, we fell just a handful of votes short of the two-thirds majority vote required by the Constitution.

I was a cosponsor and strong supporter of House Joint Resolution 268. Like many others, I was disappointed that we were unable to collect the necessary amount of support for this measure in the House. But after the way that last year's budget debacle concluded, I am more convinced than ever that we need to adopt a balanced budget amendment to the Constitution.

The fiscal year 1991 budget cycle clearly demonstrated that what the Congress needs is a mechanism that forces the Federal Government to make choices, since that's what we're really talking about whenever we discuss the Federal budget. The necessary mechanism is the measure I am introducing today: a constitutional amendment to balance the budget.

Mr. Speaker, to those who are uneasy about the prospect of amending the Constitution to provide for a balanced budget, I say that it is not an untried or untested proposition. Thirty-nine States, including Maine, already have constitutional requirements to balance their budgets.

These requirements work—State Governors and legislatures can't leave town if their budgets aren't balanced. They adjourn only when their budget books are in proper order.

Simply put: There isn't one good reason why the Federal Government shouldn't be required to do what those 39 States—and millions of households across this land—are required to do themselves.

Furthermore, while the measure I am sponsoring generally prevents the Government from spending more money than it collects each year, it allows for two exceptions that can address any unforeseen circumstances.

First, total expenditures can exceed total revenues if a declaration of war is in effect. Second, spending can surpass revenues if three-fifths of both the Senate and House vote

to approve of a deficit-financed budget, in a rollcall vote.

These well-defined exceptions provide for a necessary degree of flexibility, should the Nation be confronted with a crisis.

Mr. Speaker, if someone were to offer a plausible, more effective alternative to amending the Constitution to require a balanced budget, I'd gladly take a close look at it. But, the inability of enough Members and Senators to make tough choices has brought us to the point where this country needs a balanced budget amendment to the Constitution.

I strongly urge all of my colleagues in the House to join me in support of this measure.

FIRST-TIME HOME BUYERS' IRA BILL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to reintroduce legislation designed to assist young families make that all-important first home purchase and the American dream of home ownership a reality for as many families as possible.

As we are all well aware, home ownership in America is on the decline. One of the largest obstacles to home purchases is the downpayment. For many families, the monthly mortgage payments are within their means, but the initial downpayment is simply too high and prevents them from making this important investment.

The legislation I am reintroducing today will allow first-time home buyers to make withdrawals from savings accumulated in individual retirement accounts [IRA's] for the purpose of acquiring, constructing, or reconstructing a principal residence without incurring any tax liability due to early withdrawal of savings from the IRA. This bill allows people to take money from one investment, an individual retirement account, and put it in another, a home, without tax penalties.

Mr. Speaker, this legislation will enable many families to realize the dream of home ownership and I encourage my colleagues to cosponsor this important legislation.

MARTIN LUTHER KING DAY—1991

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, in a few short weeks we will again be celebrating our newest national holiday: Martin Luther King Day.

As one of the original cosponsors of the legislation designating a national holiday to commemorate the birthday of the late Rev. Dr. Martin Luther King, Jr., I observe that in many ways the manner in which this newest of our national holidays has come to be celebrated is distressing.

Every day, our media obervers and news reporters comment on Martin Luther King Day as if this holiday should be observed only by Afro-Americans.

We do not doubt that the Reverend Dr. King accomplished much in expanding black pride. It is highly commendable that he did so.

It is of primary importance, however, that we not forget that although Dr. King led the struggle for black equality, his message was meant not only for black people. His message was universal, and his birth, his life, and his message should be celebrated universally.

Dr. King's message, simply stated, was that love would conquer hate. He told us all that hatred destroys the hater just as much as the hated.

During the era when Dr. King led the struggle for equality, his message was directed at a white society which continued its segregationist policies against the blacks. He also had a message for those who were tempted to return hatred for hatred. But his message is just as applicable today as it was when Dr. King was taken from us nearly 23 years ago.

Rev. Martin Luther King's message can today be applied to those who maliciously destroyed an elaborate Christmas display on a private front yard in the town of Ramapo in my own congressional district this past Christmas Eve—for the second year in a row.

His message can be directed to those who maliciously desecrate synagogues and churches throughout our Nation, in many cases utilizing symbols of Nazism and the Third Reich—a shocking ignorance of the Holocaust and the effect it had on millions of innocent lives.

Dr. King's message is applicable to those in Eastern Europe today who are resurrecting the specter of antisemitism and of nationalistic hatreds for their own political purposes and to keep people's minds off of their economic woes.

His message is applicable to the recent horrors inflicted on the women and children of Kuwait. It can be directed to Tiananmen Square and Tibet, to continued injustices in Latin America, and continued strife in South Africa, all of which shock even our hardened world.

Dr. King's message can be directed at those even today who continue to condone racism and hatred, who continue to practice discrimination against others, and to whom bigotry has not gone out of fashion.

Events of recent years, at Howard Beach, NY, in Central Park, in the ghettoes of Miami, in the labor camps along our Mexican border, and in the neo-Nazi training camps in the Rocky Mountains, remind us all that our own Nation still has a long way to go before Dr. King's ideals can be realized.

During the past year, the memory of the Reverend Dr. Martin Luther King, Jr., suffered some of the same indignities which have besmirched some other great Americans in the past. Today, some would-be historians have gained headlines with the startling revelation that not all of Dr. King's works and utterances were original. The word "plagarist" has been bandied about quite a bit.

Those who contend that Dr. King plagarized some of his work forget that John F. Kennedy borrowed the phrase "Ask not what your country can do for you; ask what you can do for your country" from Justice Oliver Wendell Holmes.

They forget that Abraham Lincoln was quoting the Bible when he stated "A house divided against itself can not stand."

They forget that Gen. Douglas MacArthur was reciting an old Army ballad when he said: "Old soldiers never die, they just fade, fade away."

It is not important where ideas originate. What is important is that these ideas, garnered from many different sources, are articulated in a manner that captures the hearts, the minds, and the imagination of the people.

Dr. King's greatest admirers readily admit that none of his ideas were original, or even unique. But even his most hard-hearted opponents concede that he articulated them for his contemporaries in a manner which gave hope to millions and inspired millions more.

Few Americans remember that an historian made a great deal of money about 20 years ago by contending that George Washington fought for his country not because of any ideals, but because of financial renumeration. From time to time, someone writes a best seller proving that Abe Lincoln was an incompetent fool who blundered his way into the history books.

Just as these sensationalist revisionists are quickly forgotten, so too will future generations forget those who today attempt to sully the memory of the Reverend Dr. Martin Luther King, Jr. His place in our pantheon of heroes is secure.

And so, Mr. Speaker, I ask our colleagues to join in reminding our citizenry that we celebrate Martin Luther King, Jr.'s birthday, not because he was a black man, but because he was a great man. We revere his memory and his message because of their relevance for all people, then and now.

SAFE AND SOUND BANKING SYSTEM

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HUBBARD. Mr. Speaker, the 102d Congress convenes today and there are numerous issues of great concern to our Nation's citizens. One of the most important matters that needs addressing is the safety of America's financial institutions. Indeed, our citizens need to be assured that their deposits in their financial institutions are safe and sound.

At this time I would like to share with my colleagues an excellent letter dated November 21, 1990, which I received from my friend and fellow Kentuckian, Charles Beach, Jr., president of Peoples Exchange Bank in Beattyville, KY. Charlie Beach has some excellent suggestions for Congress, the executive branch, and the Federal banking regulators to consider as we strive to achieve the goal of the "survival, safety and soundness, and maintenance of a banking system worthy of public confidence."

As Congress begins the new year and a new agenda, I am hopeful my colleagues will consider the ideas of this outstanding individual. The letter to me from Charlie Beach follows:

PEOPLES EXCHANGE BANK,
Beattyville, KY, November 21, 1990.

Hon. CARROLL HUBBARD,
House of Representatives, Washington, DC.

DEAR CARROLL: The survival, safety and soundness, and maintenance of a banking system worthy of public confidence should be the goal of the banking industry. Unfortunately, as a result of the Savings and Loan crisis, which did not involve any banking institutions, there has been inordinate and blasphemy attacks upon our industry. We have been inundated with increased regulatory burdens and continuing public castigation by the regulators.

In this recessionary period, the need to calm our constituency has never been greater. In my humble opinion, the American Bankers Association convention was an inappropriate forum for Comptroller of the Currency, Robert Clark, to publicly embarrass that industry regulated by him with such statements as, "Your reservoir of public confidence is completely eroded . . . Your image is tarnished . . . Your future is uncertain . . . Congress created the banking system and Congress can take it away." These opinions offered by top regulators should be more discretely communicated. I feel sure that you would not publicly reprimand an employee, a child, a staffer or an associate publicly. Could one logically assume his agency to be pristine perfect and without fault?

I would like to enumerate those grave concerns of mine and our constituency which are counterproductive:

(1) The administration plans to focus on deposit insurance cutbacks on multiple accounts, in addition to the reduction in the level of coverage . . . A damaging blow to community banks.

(2) The irresponsible accusation that tight credit policies by banks are stifling the economy can be attributed to regulatory overreaction. Inconsistence in the regulatory exams by inexperienced examiners are creating this crisis; and unfortunately, we have no rights. The regulatory position is the only position.

(3) The proposed policies to allow Savings and Loans institutions to convert to commercial banks, which in essence would weaken the deteriorating F.D.I.C. insurance fund.

(4) Unlevel playing fields granted to the credit unions. They operate tax free, with a minimum capital requirement and completely ignore the common bonds which justify their existence. Obviously this creates grossly unfavorable competition.

(5) Senator Thad Cochran has taken the lead in recognizing that community bankers are being broken on the rack of excessive regulation. Senator Cochran plans to introduce legislation to the 102nd Congress to reduce this burden. The cumulative impact of paper work and compliance burdens seriously limits our ability to continue a profitable operation. The proposed postal increase and the increase in our FDIC insurance premium from 12.5 to 19.5% (a 66% increase) further threatens our ability to generate a profit and maintain the desired level of capital.

(6) The escalating policy of the O.C.C. to ignore the dual banking system and abandon the states involvement in the proposed restructuring of the new financial system proposed by the Treasury is a concern.

(7) Recent action by the FDIC to protect the $37 million in foreign deposits at the Nassau branch of the failed National Bank of Washington proves that foreign deposits should be assessed as a matter of fairness to the community banks in this country.

(8) Regulations to have certified appraisals on all real estate loans in excess of $50,000 and proposed regulations to have appraisals by qualified appraisers on personal property which is onerous, unneeded and will greatly increase the lending cost to the innocent borrower.

(9) CRA is time consuming, expensive and counter-productive. Throughout the United States community banks are the most responsible and generous corporate citizens. However, they get very little, if any, credit.

(10) The proposed additions to the cash reporting transactions concerning wire transfers over $10,000 increases operating costs. Banks are already consuming half their time tracking the currency regulations that are now in place. This regulation forces us to become IRS agents and is not equally applicable to all financial institutions.

(11) The billions of dollars of capital held by commercial banks was completely overlooked in media comparison of community banks, savings and loans and credit unions. This provides an additional protection against taxpayers liability which was not publicized or identified.

(12) The failure of the Farm Credit System cost the taxpayers hundreds of millions of dollars. This failure was not reported by the media nor were the taxpayers made aware of the loss. The pressure of the Farm Credit System to overlend again is enormous, which is being subsidized by the U.S. Treasury even worsens the attempt at broadening their lending powers while the banking industry attempts to cut back.

(13) It is unfortunate that Chairman Don Riegle and the second ranking member of the banking committee, Senator Alan Cranston, are under investigation by the Ethics Committee. The outcome of the hearing, should it be adverse would have a less than favorable impact upon our industry.

(14) Do you not feel that in a sense of urgency and seriousness of the problem that the Executive Branch, Congress and the banking industry should unite to restore public confidence, credibility and regain respect which would enable us to continue to serve our constituency respectively, fairly and at a minimal risk?

(15) Bank directors have more demanding responsibilities and much greater liability than our non-banking counterparts. Under one view, "Federal Deposit Insurance amounts to an unlimited negative risk in the depository institutions. Under the Comprehensive Bank Fraud Prosecution and Taxpayer Recovery Act the new ground rules enforcing the restitution, civil forfeiture and asset dispositions are limitless. This definitely leaves directors in a clout of worry and uncertainty and makes it practically impossible to secure competent and respected directors. They simply don't need this aggravation. Fully realizing it was designed for the "Bad Guys", any decision or action resulting from this act deserve temperate and prudent judgement that will not penalize those innocent parties. The banking system needs competent directors and the continuance of FIRREA enforcement makes it most difficult to attract those individuals.

(16) All agencies of government continue to require additional free services from the banking industry . . . tax identification numbers, sale of U.S. E Bonds, records to be used in prosecutional efforts and seldom have we ever been compensated. In fact, we were fined by the IRS for not doing a better job in securing all tax identification numbers. Community banks have for centuries been the economic cornerstones of those communities which they serve. Does not that respected, responsible and broad base support of its constituency deserve your support in this recessionary period? Quite frankly, I feel we deserve better fate.

Sincerely,

C. BEACH, Jr.,
President.

DEREGULATION OF THE TELEPHONE INDUSTRY

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, as a result of the continuing deregulation of the telephone industry, I am concerned that, as the local exchange carriers [LEC] are permitted to enter into new competitive activities, business development opportunities will focus on new ventures rather than providing regulated telecommunications services. I believe the pressure on LEC management to dedicate its most experienced and talented personnel to these new endeavors further threatens the continued quality of regulated services.

In addition, I note that actual and anticipated changes from traditional rate of return regulation to price cap and other forms of incentive-based regulation are anticipated at the Federal level and in some of the 50 States. The major concern with price caps and other forms of incentive regulation—whereby excessive earnings above an authorized rate of return are shared between stockholders and rate payers—is that the monopoly carrier can increase profits accruing to the company by reducing costs through decreasing service quality. That is, while on the one hand these alternatives are expected to increase the incentives for more efficiency, they may also have the perverse effect of encouraging quality degradation.

For example, the number of transmission channels between two locations can be decreased—or needed expansion canceled—with a reduction in costs and an increase in the chances of having a call blocked during peak calling times. The expansion of the capacity in a switching office can be postponed, thus causing an increase in dial tone delay. The number of operators providing directory assistance can be reduced, thus increasing delays in access to information. Routine maintenance periods can be extended, causing gradual and hard to detect deterioration in quality.

Under traditional regulation, the carrier does not have an incentive to reduce costs at the expense of quality because then-regulated rates would be reduced and there would be no additional profit as a result. Indeed, the critics of traditional regulation would argue that, underrate of return regulation, the carrier has an incentive to over-invest in plant—put in too much capacity—and not control maintenance expenses as closely since the former will increase total profits and the latter is merely a pass-through to the ratepayer.

With a profit-sharing system, the carrier has the incentive to skimp on quality because it can retain all or part of the moneys resulting from cost savings. The issue of quality is particularly troublesome because long periods of

time can elapse before the effects of delayed maintenance, for example, must be recognized. This means the phone company could realize short-term profits by delaying maintenance or investments today at the expense of tomorrow's ratepayers. Moreover, economic theory and marketplace realities suggest that the carrier would tend to let quality slip in those areas of the business least threatened by competition—where customers have few or no alternatives.

Accordingly, the legislation I propose directs the FCC to establish, impose and enforce upon the LEC's network quality standards for the purpose of ensuring the continued maintenance and enhancement of LEC facilities and service. To this end, the proposal directs the FCC to establish a separate joint board for the purpose of developing standards, to be enforced by the FCC and the State commissions, for measuring LEC network quality. Such quality standards should encompass the broad array of public switched and special access services; facilities; the statutory itemization of service installation; operator-handled calls; network call completion; transmission and noise requirements; and customer trouble reports—but this list is by no means meant to be all-inclusive.

My bill further directs that the joint board, at a minimum, set out quarterly reporting requirements directing the LEC's to submit uniform data reports to the FCC and State commissions regarding compliance with the prescribed standards. Further, the joint board is directed to recommend that the FCC and the State commissions contract periodic independent audits of LEC compliance.

Finally, the joint board is directed to recommend enforcement penalties and procedures, including expedited customer complaint mechanisms, to ensure LEC compliance with these network quality standards.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Local Network Quality Standards Act of 1990".

FINDINGS

SEC. 2. The Congress finds and declares the following:

"(1) regulatory chances are occuring to allow entry of the Bell operating companies into new lines of business.

"(2) changes from traditional rate of return regulation to price cap and other incentive based alternative regulation has occured at the federal level and is occuring or is anticipated among some of the 50 states.

"(3) A major concern with price caps and forms of incentive regulation whereby excessive earnings above an authorized rate of return are shared between stockholders and rate payers is that the monopoly carrier can increase profits accruing to the company by reducing cost through decreasing service quality.

"(4) This issue of quality is particularly troublesome because significant time can elapse before the effects are recognizable.

"(5) Moreover, economic theory and marketplace realities suggest that the carrier would tend to let quality slip in those areas of the business least threatened by competition—that is, where customers have few or no alternatives.

"(6) The regulatory and other changes outlined in the findings above make necessary new regulatory efforts to prescribe, monitor and enforce standards designed to maintain and enhance the quality of the nation's local exchange telephone network."

ADMINISTRATION AND ENFORCEMENT

SEC. 3. JOINT BOARD—LOCAL NETWORK QUALITY STANDARDS.—The FCC shall impose and enforce upon the local exchange carriers, the LEC's network quality standards for the purpose of ensuring the continued maintenance and enhancement of LEC facilities and service. Not later than 90 days after the enactment of this part, the Commission shall establish a separate joint board for the purpose of recommending standards, to be enforced by the FCC and the state commissions, for measuring LEC network quality. Such standards shall, at a minimum, include measurement of LEC service installation, operator-handled calls, network call completion, transmission and noise requirement (including, but not limited to, standards for measuring envelope delay, phase jitter, peak-to-average ratio, mean time between failure, bit error rates, and impulse noise) and customer trouble reports. The joint board shall direct the LECs to submit to the FCC and state commissions quarterly uniform data reports regarding compliance with the prescribed standards. Additionally, the joint board shall recommend the FCC and the state commissions to commission periodic independent audits of LEC compliance with the network quality standards developed by the joint board. The joint board shall recommend enforcement penalties and procedures, including expedited complaint mechanisms, to ensure LEC compliance with these network quality standards.

The joint board shall be composed of an equal number of members of the Commission and state commissioners appointed in accordance with Section 410(c) and approved in accordance with Section 410(a). With respect to any regulation that directly affects rate regulation by a state commission, the commission shall adopt the recommendations of the board unless such recommendations are inconsistent with the public interest or any provision of law.

MEDICARE ELIGIBILITY FOR PERSONS WITH AIDS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, it has been more than a decade since HIV and AIDS first emerged as an epidemic that would strike hundreds of thousands of Americans. In the intervening years, we have seen this tragic disease cause devastating illness requiring expensive medical care. Today, I am reintroducing legislation which would extend urgently needed Medicare benefits to many persons suffering from AIDS.

As HIV disease progresses, it almost invariably brings severe complications and catastrophic medical bills which many persons are unable to pay. From diagnosis to death, the average cost of inpatient hospital care alone is estimated at $75,000 per person. This does not include the cost of outpatient, nursing, and home health care. The cost of care for AIDS patients tends to be high because these individuals often require successive admissions to hospitals, longer stays due to severe medical complications, more intensive nursing care, and more expensive pharmaceuticals, supplies and special equipment.

Medicaid pays for the health care of 40 percent of AIDS patients. The majority of the remaining 60 percent either cannot pay for their care or have difficulty paying for it. The Health Care Financing Administration estimates that of the more than 150,000 persons with AIDS, fewer than 3,000 or 2 percent, have Medicare coverage.

Many AIDS patients have lost private health insurance because they are unable to work, and others have exhausted their insurance coverage because of the catastrophic nature of their illness. A provision in the Consolidated Omnibus Budget Reconciliation Act [COBRA] allows an employee to continue employer-provided health insurance for 29 months after leaving their job if the employee is disabled at the time he or she leaves. The employee is required to pay 102 percent of the premium, including the portion previously paid by the employer for the first 18 months. For the duration of the 29 months, the individual must pay 150 percent of the cost of the premium. Because of the expense, this is not an option for a significant number of persons with AIDS.

The legislation I am reintroducing would expedite the availability of Medicare benefits to those AIDS patients who, under current law, already qualify for its coverage by virtue of their disabled status. AIDS patients who are unable to work and have contributed the requisite number of quarters into Social Security, are eligible for the Social Security Disability Insurance [SSDI] Program. In fact, in 1983, the Department of Health and Human Services [HHS] added AIDS to its list of qualifying impairments for disability to help in the processing of these cases.

However, once eligibility has been established, AIDS patients, like all other SSDI recipients, must wait 2 years before they can receive Medicare coverage of their medical bills. Because in many persons with AIDS the disease progresses rapidly, the 2-year wait may last longer than the patient's life. The legislation that I am reintroducing would provide Medicare financing to these eligible AIDS patients and assure them access to health care without the threat of bankruptcy.

This bill would also give desperately needed assistance to localities which have been bearing the financial burden of providing services and health care to those affected by this epidemic. To cope with AIDS, many of our cities are drawing on already scarce economic, medical, technical and human resources.

My legislation does not establish a new program or confer a new entitlement on any group. It merely assures that persons with AIDS have access to Federal health benefits to which they are entitled. One reason the Congress established the 2-year waiting period was to ensure that Medicare would only be available to those whose disabilities proved to be severe. There is no question that AIDS patients meet this requirement. Even though, due to early intervention and better treatments for opportunistic infections, persons with HIV

infection are living longer, many are not alive 2 years after a diagnosis of AIDS, and, tragically, no one has yet recovered from full-blown AIDS.

Under this legislation, the Secretary of HHS would, at his or her discretion, be authorized to provide Medicare reimbursement for experimental treatments that are administered as part of an approved clinical protocol. Because there are few treatments for AIDS, medical care may involve therapeutic drugs that have not yet received formal approval for marketing. In view of the uniqueness of this disease, its life-threatening nature and the lack of truly successful treatments, the bill would provide important flexibility to the Secretary to determine the need and appropriateness of reimbursing for experimental care.

Mr. Speaker, the number of persons from all sectors of American society who are suffering from this frightening disease continues to multiply. In the coming decade we will witness an explosion of AIDS cases among the many thousands of persons who have been infected but asymptomatic for as long as 10 to 15 years. I believe the Federal Government must ensure that the casualties of the AIDS epidemic do not want for medical care because they lack sufficient resources. The Congress must continue to demonstrate its leadership in this epidemic by speeding essential health care coverage to those persons living with AIDS who already qualify for the Medicare Program.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 5-YEAR WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE ELIGIBILITY FOR INDIVIDUALS WITH AIDS.

(a) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h)(1) Subject to paragraph (2), in the case of an individual who is medically determined to have acquired immune deficiency syndrome (AIDS) and who files an application for hospital insurance benefits under part A of title XVIII pursuant to this subsection, subsection (b) shall be applied as if—

"(A) in paragraph (2)(A), ', and has for 24 calendar months been entitled to,' were deleted;

"(B) in paragraph (2)(B), ', and has been for not less than 24 months,' were deleted;

"(C) in paragraph (2)(C)(ii), ', including the requirement that he has been entitled to the specified benefits for 24 months,' were deleted;

"(D) in the matter in the first sentence following subparagraph (C), 'first month' were substituted for 'twenty-fifth month'; and

"(E) in the second sentence, 'twenty-fourth' were deleted.

"(2) Paragraph (1) shall not result in an individual becoming entitled to hospital insurance benefits under part A of title XVIII for any month before the first month in which the individual both—

"(A) is medically determined to have acquired immune deficiency syndrome, and

"(B) has filed an application under paragraph (1).

"(3) For purposes of this subsection, an individual will be presumed to have acquired immune deficiency syndrome (AIDS) if the individual has been diagnosed, in accordance with standards established by the Secretary after consultation with the Director of the Centers for Disease Control, as having such disease.".

(b) EFFECTIVE DATE AND 5-YEAR SUNSET.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins more than 45 days after the date of the enactment of this Act and shall apply to services furnished during the five-year period beginning on that first day.

SEC. 2. RECOGNIZING USE OF EXPERIMENTAL TREATMENT FOR AIDS PATIENTS.

(a) IN GENERAL.—Section 1862 of the Social Security Act (42 U.S.C. 1395y) is amended by adding at the end the following new subsection:

"(j) In making determinations under subsection (a)(1)(A) in the case of expenses incurred for items and services furnished in the treatment of acquired immune deficiency syndrome (AIDS), the Secretary shall take into account, and find as reasonable and necessary, a treatment that is experimental in nature if the treatment is in accordance with a clinical protocol recognized as appropriate by the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after the first day of the first month that begins more than 45 days after the date of the enactment of this Act.

A MESSAGE FROM AN ARMY WIFE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues an important message from the wife of one of our soldiers serving in the Middle East. Mrs. Barry's message of love and hopefulness is an inspiration to all of us who await the outcome of the current crisis, but who support our involvement on behalf of peace and freedom. I urge all of my colleagues to share this message with their constituents who are also making tremendous sacrifices in the service of our country.

[From the Atlanta Journal and Constitution, December 9, 1990]

PRAYER AND PRIDE CONSOLE ARMY WIFE

(By Jeanne Barry)

I grew up in a relatively sheltered environment, untouched by the realities of war.

With the exception of a POW bracelet that I wore because it was "cool" at the time, I never became involved in, or really understood, the Vietnam conflict. Patriotism was a word I heard on the Fourth of July or Veterans Day, without deeply considering its meaning. The military were good-looking guys in uniform, with hair that was too short.

Well, I ended up marrying one of those short-haired guys. And along with him, I married his convictions.

My husband's feelings about his country evoke the strongest of emotions. The mere sight of our flag has brought tears to his eyes on more than a few occasions. He sings "The Star-Spangled Banner" with a vigor that could come only from the heart.

But I never took him very seriously until the day I found myself standing alone in an empty parking lot, waving goodbye. He left me and our home to support his country's efforts in the Persian Gulf.

My emotions have vacillated from one extreme to the other. I've been angry, depressed, scared, desperate and proud. I don't pretend to fully understand the situation over there, or our country's true "motives." But I think I have a grip on the principles involved.

Oddly enough, it has something to do with a red, white and blue ribbon on the antenna of my car.

The day before Tom left, we spent the day running last-minute errands. At the local post office, we parked beside a car with a red, white and blue ribbon on its antenna. I asked the man sitting inside where I could get one, explaining that my husband was leaving in the morning. After he answered, I made a mental note to pick one up, and we went inside. When we came out, the man was gone, and the ribbon was on our antenna.

A small gesture of kindness, with nothing expected in return.

I like to believe that's why Americans have always been the ones to rush to the aid of those in trouble. Not because we expect them to gain anything, or be returned the favor, but because we are a nation of people who care about other people. Always have, always will. We put the highest value on people being able to live their lives in an atmosphere free of fear.

And if that means making sacrifices in order to demonstrate those convictions to the world, then we do it. Without hesitation, there are those who would give their lives to make that statement. I'm proud to know one of those people personally. I'm also proud more than ever before, to live in this country. Even with its faults, I believe it's the best country in the world.

All of this may be of little consolation to those of us left behind waiting, worrying and praying. But it's all we've got to sustain us. That and a faith in God, who, I believe, is watching.

The ribbon on my antenna is becoming weather-worn and ragged, but it's staying where it is. And it won't come off until he comes home.

TRIBUTE TO MICHAEL EINHEUSER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Mr. Michael Einheuser. Mr. Einheuser is being honored for his active role in our community.

I can personally attest to Mike's integrity and perseverance. He has long been a friend of mine and was right there with me on my first campaign. His political involvement in the Detroit metropolitan area is extensive. He has demonstrated a lifelong commitment to progressive Democratic values. His ideology represents a whole gamut of expressions, but focuses primarily on involving people in the decision making process.

His active involvement led him to become a member of Wayne State University's Board of Governors while he was still a student there. Now, 16 years, two terms and a diploma later Mike is moving on.

Mike's efforts on behalf of his alma mater are typical of his approach to life. He does not walk away from problems—he assumes the burdens himself. Wayne State has been fortunate to have the benefits of his talents and will surely miss his participation on the board.

I have met few people who do so much, so well. His judgment, drive and concern allow him to commit himself effectively to numerous organizations throughout the Detroit metropolitan area. In every instance where Mike and I have worked together, he has displayed tremendous professionalism. He is thorough, bright and sincere.

I am honored to recognize Mike on the floor of the House for his hard work and dedication. His active community participation continues to earn him the respect of his fellow citizens as a man of unselfish integrity. He is dedicated to instilling Democratic ideals in the hearts and minds of those he touches. I know that Mike and I will find ourselves working together on many diverse projects in the future. It will always be a pleasure to be associated with him.

REINTRODUCTION OF THE NON-DISCRIMINATION IN ADVERTISING ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. COLLINS. Mr. Speaker, today, I am reintroducing the Non-Discrimination in Advertising Act, legislation designed to correct a serious injustice being perpetrated against black and other minority-owned and formatted broadcast stations. Black broadcasters have long charged that advertising agencies discriminate against minority-owned radio stations in their placement of advertising. Minority broadcast owners also have said that the resulting loss of advertising is undermining their financial viability.

Last year, I requested that GAO conduct a study of the Federal Government's use of minority-owned ad agencies and broadcast stations. Their review showed that the Department of Defense, which accounts for about 95 percent of Federal advertising, has consistently failed to comply with Federal procedures regarding contracting with minority-owned media and advertising companies. This GAO report was requested after I heard from numerous minority broadcasters and advertising agencies that charged that the Federal Government was snubbing them when looking for advertising agencies and vehicles on which to run its ads.

According to the National Association of Black-Owned Broadcasters, black-owned radio and television stations, print media, and black-owned advertising agencies are subjected to systematic discrimination. Ad agencies and their clients are refusing to advertise in media owned by blacks and other minorities. This means that in many cases Black media are being bypassed for advertising placement, even though they possess higher numbers in groups being targeted by the ad agency. Black-owned advertising agencies are also singled out because they are presumed to have expertise in appealing to black audiences.

The express purpose of the legislation which I am introducing today is to provide black and other minority station owners with a mechanism for redress. Specifically, the legislation would: Deny income tax deductions for persons who discriminate against minority-owned or formatted communications entities—radio, TV and print—in the purchase or placement of advertising; require the IRS to determine whether a person has engaged in discriminatory conduct; allow the aggrieved party to bring a civil suit; and permit a court to assess treble damages in cases of "willful and wanton" discrimination.

I believe denying tax deductions for advertising expenses will reach the largest advertising agencies and their clients. The write-off of ad expenses is a significant portion of all advertising expenditures. By disallowing this deduction, my bill will place the largest penalties on the largest offenders. Advertising agencies and their clients will find it very expensive not to comply with this act.

Black-owned communications media face many obstacles in operating their businesses—obtaining needed financing, constructing facilities, servicing debt and employing personnel—not the least of which is their inability to secure advertising dollars. This bill is an effective tool to be used to provide minority station owners with a way to protect their investment.

I urge my colleagues to support me in this legislation.

JUDICIAL BRANCH ENCROACHES ON FUNDAMENTAL POWERS OF THE LEGISLATIVE BRANCH

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, as many of my colleagues are aware, last year the Supreme Court issued a decision which provides Federal judges with the power to issue a court-ordered tax increase as a remedy for a constitutional violation. I believe this decision, Missouri versus Jenkins, should be viewed with great concern by all Members of this Congress.

The Supreme Court's April 18, 1990, decision expands judicial power beyond that allowed by the Constitution while at the time usurping a power which is the sole responsibility of the legislative branch—that power being the ability to levy taxes. Speaking for the four justices in the minority on this issue, Justice Anthony Kennedy stated that the Court's "casual embrace of taxation imposed by the unelected, life-tenured Federal judiciary disregards fundamental precepts for the democratic control of public institutions." In my view, the Court's decision clearly violates the intent of the Founding Fathers and the basic understanding that most Americans have regarding the role of the judicial and legislative branches of our Government. Article I, section 8, of the Constitution unequivocally states that "[t]he Congress shall have power to lay and collect taxes * * *." In this decision, the judiciary is clearly invading the prerogative of the legislative branch. Even the Washington Post agrees that the Supreme Court has gone too far in this case as is evidenced in the April 20, 1990, editorial which is reproduced at the end of my statement.

Mr. Speaker, Congress must respond to the Missouri versus Jenkins decision, and to this end I have today introduced legislation to prevent Federal courts from being able to levy taxes. My legislation would exercise the power given to Congress under article III of the Constitution to limit the jurisdiction of Federal courts. In brief, my legislation would state that "no inferior court established by Congress shall have jurisdiction to issue any remedy, order, injunction, writ, judgment, or other judicial decree requiring the Federal Government or any State or local government body to impose any new tax or to increase any existing tax or tax rate." Such legislation would ensure that in the future Federal courts could not resort to the remedy of ordering a governmental body to raise taxes.

I urge my colleagues to familiarize themselves with this Supreme Court decision if they have not done so already. I am convinced that once the details of this decision are known and its implications appreciated, my colleagues will realize that a congressional response is absolutely necessary. Mr. Speaker, Congress must take immediate action on this matter in order to prevent such constitutional abuses in the future, and I urge my colleagues to cosponsor my legislation.

[From the Washington Post, Apr. 20, 1990]

COURT-ORDERED TAXATION

The taxpayers of Kansas City, Mo., must be wondering if they have for years completely misunderstood all the civics courses they took in high school: the ones where they learned about the separation of powers and the inequity of taxation without representation. Here they have been going along innocently believing that elected officials—people whose positions must be in some measure responsive to the views of their constituents and whose tenure in office is dependent on those constituents' approval—are the ones who set and impose taxes. But in a case involving school desegregation in their city, a series of federal courts has insisted that these principles are flexible and can be disregarded by a judge who assumes ultimate authority for raising and allocating this burden. This week five justices of the U.S. Supreme Court agreed that the Kansas City judge could order local authorities to double property taxes.

This case is unprecedented in two respects. The first is the scope of the remedies ordered by the judge. He ruled that in order to overcome the effects of previous segregation the Kansas City schools had to be made so exemplary that suburban youngsters would choose to return to the inner-city to school. All schools were required to be completely renovated and air-conditioned. Every classroom was to be equipped with 15 microcomputers. Swimming pools, a planetarium and a temperature-controlled art gallery were mandated. And extras such as a broadcasting system, a 25-acre farm, movie studios and model U.N. with simultaneous translation facilities were found to be necessary to vindicate constitutional rights. The judge, of course, didn't have to consider the cost—hundreds of millions of dollars—or the competing de-

mands for city money for health, social services or law enforcement.

The second astonishing aspect of the case is the expansion of judicial power into an area understood to be the prerogative of a representative body of elected officials. As Justice Anthony Kennedy and three colleagues protested, "[The court's] casual embrace of taxation imposed by the unelected, life-tenured federal judiciary disregards fundamental precepts for the democratic control of public institutions." The precedent for court-ordered tax increases to provide all sorts of services when constitutional rights are asserted is ominous. Imagine, for example, three separate federal judges in this city resolving cases involving St. Elizabeths, Lorton and Cedar Knolls ordering massive tax increases without regard to overall budget priorities, necessary expenditures not before the courts or even the cumulative impact of these three separate orders.

It is very hard to understand how the Supreme Court could have refused to review the fantastic remedies ordered by the Kansas City judge and why a majority of justices has approved the concept of judicially mandated taxes. There are other ways for a court to compel compliance with even an order like this without imposing a tax to pay for it.

SALUTE TO MADGE SCHAEFER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to commend Ventura County Supervisor Madge Schaefer, who leaves office next Tuesday after 12 years of distinguished public service.

During her career on the Thousand Oaks City Council and then the board of supervisors, Madge established a reputation as someone truly concerned about making her community a better place, and as someone who spoke her mind.

As Ventura County's Chief Administrative Officer Richard Wittenberg said recently, Madge is "incredibly bright, very hard-working, tough—she goes for things she believes in and fights for them—and is a truly terrific board member."

Among the things she has fought for over the years is Thousand Oaks' landmark oak-protection ordinance and Casa Pacifica, a home for neglected children planned near Camarillo State Hospital.

As a civic activist and public official, Madge Schaefer has served with distinction, Mr. Speaker, and I ask my colleagues to join me in saluting her for her many accomplishments.

TRIBUTE TO MARION WALKER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, it is with tremendous pleasure that I rise today to commend Mr. Marion R. Walker for 18 years of dedicated service to the people of Ventura County as a member of the Casitas Municipal Water District Board of Directors.

Mr. Walker was born on January 7, 1915, on the family ranch in Ventura and attended the public schools. He graduated from Stanford University in 1936. He married his lovely wife Dorothy on November 27, 1937, and together they have raised four sons—Russell, Donald, Philip, and Steve.

Marion is a lifelong rancher in Ventura and most recently in Patterson, CA.

In addition to ranching and his 18 years with Casitas, Marion has generously donated his time and effort to many worthy causes and has served in numerous capacities including: Elementary School Board member; Ventura County Juvenile Justice Commission member; Ventura County Public Facilities Commission president; Downtown Lions president; Chamber of Commerce president; California Water Commission member; Claremont College School of Theology trustee, chairman of the board, and trustee emeritus; American Iris Society National president; and Fourth General Conference of United Methodist Churches member and Program Commission chairman. Marion was a nominee for Congress in 1950.

In short, Mr. Speaker, Marion Walker is a man of rare quality, and I know he will be sorely missed at Casitas. On behalf of the U.S. House of Representatives, I want to thank both Marion and Dorothy for their commitment to their fellow man and to wish them the very best in everything they do.

H.R. 1, THE CIVIL RIGHTS ACT OF 1991

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EDWARDS of California. Mr. Speaker, I join with my distinguished colleagues, including the chairman and ranking minority member of the Committee on the Judiciary, JACK BROOKS and HAMILTON FISH, Jr., in introducing H.R. 1, the Civil Rights Act of 1991.

The Civil Rights Act of 1991 is designed to restore and strengthen our Nation's civil rights laws. H.R. 1 overturns a series of Supreme Court cases that weakened our fundamental civil rights laws. It is very similar to the bill as approved by the Judiciary Committee in the 101st Congress and to the bill as overwhelmingly approved by the House 272 to 154 last August.

The Congress has an obligation to make sure that victims of discrimination have a fair and equitable opportunity to obtain legal redress. Victims of discrimination should not have to leap over insurmountable and unnecessary barriers in order to make their case in court. H.R. 1 reaffirms the intent of Congress to provide meaningful and effective relief to victims of discrimination.

Speedy enactment of the Civil Rights Act of 1991 will guarantee that victims of discrimination have meaningful and effective relief. The Subcommittee on Civil and Constitutional Rights, which I chair, plans to move quickly on this bill, and we hope to have this bill on the floor as quickly as possible.

CONGRESSMAN WEISS PROPOSES AN ENERGY SUMMIT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, the Persian Gulf has showed how excessively dependent the United States is on foreign oil.

Time and again, this country has not been able to take a sustained approach to energy conservation and efficiency. We must reduce our dependence on foreign oil for environmental, economic, and national security reasons.

That is why I am sponsoring a bill that calls on President Bush to convene an energy summit to discuss the Nation's energy problems and solutions to them. Much like the education summit in September 1989, the energy summit would set forth specific goals for energy conservation and efficiency for renewable and nonrenewable energy resources.

Only through public discourse and a coherent set of energy goals can we begin to wean ourselves from our appetite for foreign oil. An energy summit is an excellent opportunity to bring about this fundamental change in energy use. I ask for your help in making this change.

H.R. —

Whereas the United States imported nearly half of the oil it consumed in early 1990;

Whereas the crisis in the Persian Gulf has cut off an important supply of oil to the United States and disrupted the United States domestic economy;

Whereas the rise in oil prices in the United States resulting from the Iraqi invasion of Kuwait on August 2, 1990, and the subsequent United Nations embargo against Iraq, represents the 3d significant rise in oil and fuel prices in the United States since 1989;

Whereas other significant oil price increases came after the Exxon Valdez ran aground in Alaskan waters in March 1989 and during the severe cold weather of December 1989;

Whereas the United States' dependency on foreign oil could be significantly reduced through energy efficiency and conservation measures;

Whereas energy efficiency is important in ensuring the Nation's economic stability, promoting the national security, ensuring the health and well-being of the people of the United States, and protecting the environment of the Nation and the world;

Whereas the Federal Government's energy efficiency and conservation programs received severe budget cuts throughout the 1980's;

Whereas the Federal Government is a major consumer of the Nation's energy resources;

Whereas programs to promote energy efficiency within the Federal Government and programs undertaken by the Federal Government to encourage and promote energy efficiency throughout the Nation are an integral part of reducing the United States dependency on foreign oil; and

Whereas other industrialized nations have adopted policies aimed at encouraging the efficient use of energy resources: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the legislative and executive

branches share the responsibility of developing and overseeing energy efficiency and conservation policies. In furtherance of meeting that responsibility, the Congress—

(1) calls on the President to convene, before the end of 1991, a national energy summit to discuss and formulate new priorities and firm goals for the use of renewable and nonrenewable energy resources in the United States by the year 2000;

(2) urges the President, when convening the national energy summit, to include experts on energy and the environment from the Administration, the private sector, State and local governments, and the Congress;

(3) urges the President to utilize the energy summit to—

(A) explain to the people of the United States the current state of energy supplies in this Nation and the world, and the rate of energy consumption in the United States;

(B) set goals to be attained for future energy efficiency and consumption;

(C) renew the United States' commitment to a national policy of energy efficiency;

(D) provide information to the people of the United States regarding issues of energy efficiency and conservation;

(E) adopt measures to make the Federal Government among the most efficient consumers of the Nation's energy sources; and

(F) set forth energy efficiency policies and measures that, in the event of an energy crisis, would protect the United States economy from volatile swings in the world energy prices; and

(4) believes the National Energy Strategy proposed by the Department of Energy, should be an important part of the discussion of the future of energy efficiency and consumption in the United States at the energy summit.

IN HONOR OF THOSE WHO PROTECT DALLAS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, late last year the Dallas Police Department honored some of its finest officers and employees for their service to the people of the city of Dallas.

Because our local police departments are the front line in the defense of our citizens against crime, I would like to join in paying tribute to these dedicated men and women and calling their contributions to the attention of my colleagues and the American people.

The following is a report of the awards from the Dallas Times Herald:

[From the Dallas Times Herald, Nov. 16, 1990]

THE MEN AND WOMEN WHO SERVE

The following awards were presented at the 1990 Dallas Police Department awards banquet.

POLICE SHIELD

The Police Shield award is presented for serious injuries suffered in the line of duty.

Dana Bowers. Officer Dana R. Bowers received a gunshot wound to the knee while directing traffic at a fire.

Robert J. Crider. Senior Corporal Robert J. Crider suffered a partial loss of the use of his arm as a result of a head-on accident with a vehicle driven by an intoxicated driver.

Timothy M. Gushwa. Timothy M. Gushwa, a former police officer, received a gunshot wound to the hand while executing a narcotics search warrant.

William R. Langston. Corporal William R. Langston fractured his hip while apprehending a burglary suspect. He held onto the handcuffed suspect despite the injury.

Jimmy G. Willhoite. Officer Jimmy G. Willhoite suffered a leg injury while attempting a take-down maneuver with a suspect who was resisting arrest.

LIFE SAVING

The Life Saving award is presented for saving a life.

Michael J. Beattie. Officer Michael J. Beattie applied pressure to the wound of a shooting victim, preventing the victim from bleeding to death.

Michael F. Bostick and Debra E. Solomon. Sergeant Michael F. Bostick and Debra E. Solomon, a former security officer, administered CPR and mouth to mouth resuscitation to a heart attack victim. They were able to revive the victim, however, he died three days later.

Alexander P. Csaszar. Officer Alexander P. Csaszar rescued a woman who was attempting to jump 50 feet from a bridge. Csaszar grabbed the victim, who had slipped, and pulled her back to safety.

Andrew H. Davis. Senior Corporal Andrew H. Davis grabbed and pulled to safety a man who was attempting to jump from the DFW turnpike into the Trinity River bottoms.

Cedric W. Davis. Security Officer Cedric W. Davis applied pressure to the wounds of a victim who had been run over by a vehicle, preventing the victim from bleeding to death.

David A. Durica and Patrick G. Oelke. Senior Corporal David A. Durica applied pressure to the wound of a stabbing victim. Officer Patrick Oelke restrained two people to allow Durica to administer the first aid.

Richard L. Emberlin II, Michael E. Finley and Michael A. Hackbarth. Officers Richard L. Emberlin II, Michael E. Finley and Michael A. Hackbarth rescued several residents of an apartment complex that was engulfed in smoke and flames.

Thomas F. Higgins, Melissa A. Slotter and Desiree A. Webb. Sergeant Thomas F. Higgins and officers Melissa A. Slotter and Desiree A. Webb forced open the door of a house to rescue three victims who were overcome by carbon monoxide fumes.

David C. Hunnicutt. Officer David C. Hunnicutt administered CPR to a semiconscious victim who had fallen from the fourth floor of a building.

Steven C. Jackson and Todd C. Welhouse. Corporal Steven C. Jackson and officer Todd C. Welhouse pulled a fire victim to safety. The victim's clothing was in flames and the officers extinguished the flames with their hands. The victim suffered third degree burns and the officers suffered minor burns.

David A. Jenkins and Donald L. Robb III. Officers David A. Jenkins and Donald L. Robb III assisted to safety an occupant of a house that was engulfed in fire and heavy smoke. They entered the house again and escorted a second victim to safety.

Timothy R. Jones and Dudley J. Nosworthy II. Timothy R. Jones and Dudley J. Nosworthy II forced open the door of a trailer to rescue a victim who had attempted suicide by turning on gas burners.

Linda D. Kimberlin and Marion G. Phagan. Corporals Linda D. Kimberlin and Marion G. Phagan applied pressure to a stabbing victim, preventing the victim from bleeding to death.

Stanley L. McNear. Senior Corporal Stanley L. McNear administered CPR to an unconscious man who had suffered cardiac arrest. The man later died.

Joseph R. Maines. Officer Joseph R. Maines administered CPR to a 3-month-old infant who was not breathing and had no pulse. He was able to revive the baby.

Charles R. Young II. Senior Corporal Charles R. Young II, while off duty, administered CPR to an unconscious child who had been thrown from a vehicle in an accident. The child later died.

POLICE COMMENDATION

The Police Commendation is presented for outstanding contributions to law enforcement.

Benjamin F. Armstrong, Donald L. Cates and John P. Denk. Senior Corporals Benjamin F. Armstrong, Donald L. Cates, and Lieutenant John P. Denk acquired an Automated Fingerprint Identification System that has been an asset to the department.

Lawrence Bromley. Senior Corporal Lawrence Bromley's undercover work resulted in the arrest of several drug dealers, and the seizure of property and currency.

Truly M. Holmes. Senior Corporal Truly M. Holmes conducted a highly successful investigation of a local skinhead group.

James M. Jenkins, Senior Corporal James M. Jenkins persuaded a suspect who was barricaded in a house and holding a family hostage to surrender. The suspect had wounded two of the hostages.

Stephen W. Patterson. Senior Corporal Stephen W. Patterson was awarded the Police Commendation award posthumously for developing and instigating the current Police Vehicle Operations Course for in-service officers.

Jo Linda Thomas. Sergeant Jo Linda Thomas was honored for several special projects that have brought favorable recognition to the department.

Gary H. White. Sergeant Gary H. White was recognized for his outstanding job performance in the updating and improving of the Fleet Management Unit.

POLICE COMMENDATION AND LIFE SAVING

Dale R. Mercer. Disregarding his own safety, officer Dale R. Mercer entered a house engulfed in fire, and forcefully removed a highly combative man. He again entered the house to search for occupants. The rescued victim was the only occupant of the house.

Tytus Q. Morrissette. While off duty, Tytus Q. Morrissette came upon an accident in which a vehicle had collided with a light pole and burst into flames. The victim was pinned inside and unconscious. Morrissette was only able to remove the victim's upper torso because his legs were entangled in the wreckage. This, and a fire extinguisher, prevented the victim from being asphyxiated from the smoke and burned by the flames until fire assistance arrived.

MERITORIOUS CONDUCT

The Meritorious Conduct award is presented for action involving exceptional courage.

Keith A. Allen. While off duty, Officer Keith A. Allen came upon an accident in which a vehicle had caught on fire with two unconscious victims inside, one pinned in the wreckage. Disregarding his own personal safety, Allen pulled one victim, who later died, from the burning wreckage before it exploded. The trapped victim perished in the fire.

Steven B. Claggett. While he was performing in an undercover capacity in a buy bust operation at a hotel, two suspects attempted to rob Senior Corporal Steven B. Claggett. Two other undercover officers were able to

gain entry to the room, startling the suspects, while Claggett apprehended the suspects.

MERITORIOUS CONDUCT AND LIFE SAVING

James C. Bristo. While off duty, officer James C. Bristo observed an overturned vehicle in a ditch. The vehicle was filled with smoke and engulfed in flames, and the driver trapped inside. After several attempts, the officer was able to pop the window outward and pull the injured man to safety. A few seconds later a ball of fire blew out the windows.

Willie D. Cantu, Steve Fuentes and Leonard Garza. Senior Corporal Willie D. Cantu and officers Steve Fuentes and Leonard Garza entered a concession booth engulfed in flames and rescued a man and child. Disregarding their own personal safety, two of the officers again entered the booth to extinguish the fire, while the third officer cut off the valves to the propane tanks.

Thomas Haney. Senior Corporal Thomas Haney broke the window out of a vehicle that was on fire and pulled the trapped victim out. Just as Haney pulled the victim to safety, the cab burst into flames knocking the officer and the rescued man to the ground.

MEDAL FOR VALOR AND LIFE SAVING

The Medal for Valor is one of the highest awards and is presented for voluntary action involving exceptional bravery.

Brian D. Rippenkroeger. While on routine patrol, officer Brian D. Rippenkroeger came upon an accident in which a car had hit a utility pole. An injured child was inside. While Rippenkroeger was in the vehicle, the electrical transformer on the pole, which had shut off when the collision occurred, started emitting electricity again. Rippenkroeger intended to remain in the vehicle until the power company arrived, however, the metal parts of the vehicle began to heat up and became so hot that he had to leap from the vehicle with the child. While jumping, he apparently collided with the door frame, and the electrical shock threw him approximately 10 feet from the vehicle and threw the girl back into the vehicle.

Fearing for the child's safety, he rushed back through the bolts of electricity to the vehicle, grabbed the girl by her clothing, and jerked her from the vehicle. After retrieving the girl from the vehicle, Rippenkroeger handed her to a bystander and then lost consciousness.

POLICE CROSS

The Police Cross is awarded to an officer who lost his life in the performance of duty.

Thomas G. Burchfield. Officer Thomas G. Burchfield lost his life on May 6, 1990, as the result of an on-duty vehicular accident.

Michael R. Okelberry. Officer Michael R. Okelberry lost his life on May 6, 1990, as the result of an on-duty vehicular accident.

RESERVE OFFICER OF THE YEAR

Steven C. Smith. Reserve officer Steven C. Smith ranks consistenly among the most active reserves. Not only does he work at his assigned station, but he also volunteers for numerous special assignments and task forces, and is always willing to stay later than his assigned schedule when required.

As a columnist and feature writer with the Dallas Times Herald, and before becoming a reserve officer, Smith was allowed to attend the Dallas Police Academy to learn firsthand about the department from the inside. The combined requirements of the academy and his newspaper career meant five consecutive months a day off. Smith's tireless dedication and commitment to excellence were evident early, as he consistently met and exceeded all requirements and expectations.

NON-SWORN EMPLOYEE OF THE YEAR, RUNNERS-UP

Mary B. Hanlon. Mary B. Hanlon's work record has been exemplary from the beginning of her career with the police department. She frequently volunteers for extra work and special projects. She has prepared a file that provides an easily accessible reference on out-of-state computer auto registration formats and how to obtain lienholder information from each of the various states.

Leigh Ann Lozano. Leigh Ann Lozano's contributions include not only outstanding daily performance as a Crime Analyst, but also excellent work on many special projects and tasks she has completed beyond the requirements of her job.

She not only analyzes offenses that come in for trends and patterns, but also monitors arrested persons and checks to see if they can be matched with unsolved crimes. She stays abreast of offenders who are released from prison by communicating with parole authorities and monitoring intelligence bulletins.

NON-SWORN EMPLOYEE OF THE YEAR

Carl Makres. Carl Makres has been an employee of the Dallas Police Department for 22 years and has consistently given the best of his talents.

A few of his outstanding accomplisments during the last year include: development of a complex matrix that was instrumental in determining the need for additional officers; development of an almost 100-page high-tech bid proposal for the procurement of a computerized Police Patrol Scheduling System, which required hundreds of hours to prepare providing statistics for the Dallas Drug Control Strategy and development of a lengthy and complex personnel analysis spreadsheet to provide time-saving calculations for 70 recommendations.

JOHNNY SIDES ROOKIE OF THE YEAR RUNNERS-UP

Steve Fuentes. While in the Police academy, it was voted that officer Fuentes was an extremely hard worker. He was first in his academy class in physical fitness, Fuentes has made 188 investigative arrests, 66 of these felons apprehended in the act. He has made 180 city arrests and issued 195 citations.

Michael E. Witzgall. In Officer Witzgall's recruit class, he ranked first in physical fitness, first in pistol qualifications, and second academically. He has demonstrated his positive attitude and work ethic with exceptionally high activity. In October 1989 he received a commendation for the arrest of a theft suspect and the recovery of a vehicle and $250,000 worth of documents belonging to the City Employee's Credit Union.

JOHNNY SIDES ROOKIE OF THE YEAR

Jonathan C. Owen. Officer Owen is reliable and works hard to stay cognizant of the crime problems in his sector. He consistently leads his sector in activity.

Although his sector was not selected as an Operation Clean area, he voluntarily bounded an area of the sector that was infested with drugs and attacked it diligently every day, in addition to his regular duties. He was instrumental in the shutting down of two apartment complexes that were havens for drugs. He informally acts as a big brother to recovering drug addicts. They frequently seek him as a source of moral support.

In addition to being the recipient of the Medal of Valor and Life Saving award, Owen has received several commendations from supervisors and citizens during his short career.

OFFICER OF THE YEAR, RUNNERS-UP

Christopher K. Daniels. Senior Corporal Daniels and his partner were assigned to a special project to watch a restaurant that had been burglarized seven times within an 11-day period. Daniels was successful in apprehending the suspect when the suspect returned to the restaurant, and was able to clear eight burglary offenses at that location.

Beat 471, to which Daniels is assigned, is a high crime and drug area. He has been successful in apprehending and arresting suspects due to his activity seeking drug trafficking information as well as becoming involved with the citizens of the community to gain their confidence and trust in the department.

During the past year, Daniels has received six citizen commendations and five supervisory commendations. He was awarded the Life Saving and Certificate of Merit awards.

Anita L. Dickason. Officer Dickason has been personally requested to conduct basic police training schools at the Collin County Community College. She is a departmental instructor for the PR24 police baton and pressure point control tactics.

Dickason's dedication to duty is characterized by her consistently commendable levels of activity and diligence to crime problem solutions in her sector.

An example of her alert patrol attitude occurred with her arrest of a suspect in an aggravated robbery in Garland. Through her attention to detail, she was able to locate the suspect and, after a brief vehicle chase, arrest him. This arrest resulted in the clearance of 36 aggravated robbery offenses and two attempted capital murder offenses.

OFFICER OF THE YEAR

William Walsh. Lieutenant Walsh has continually exceeded normal work expectations in terms of proficiency, enthusiasm and expertise. He has an outstanding list of accomplishments during the past year related to his primary areas of responsibility, family violence and child abuse. He has made major improvements in these areas and has brought favorable recognition to the department and himself.

Among those accomplishments: the Family Violence Unit received two awards for outstanding performance from two community groups; organizing and conducting a "Crimes Against Children" seminar for area law enforcement personnel, prosecutors and social workers; providing instruction on family violence and child abuse to many area law enforcement agencies; representing the department on many committees and task forces including the Mayor's Task Force on Child Abuse and Neglect, the Domestic Violence Task Force, the Battered Women's Intervention Project at Parkland Hospital and the Steering Committee of Lawyers Against Domestic Violence.

During the last year, Walsh has received 59 commendations from citizens and no complaints.

THE FAMILY LEAVE ACT OF 1991

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PENNY. Mr. Speaker, I have today introduced the Family Leave Act of 1991, legislation to guarantee employees time off from work for the birth or adoption of a child. I first introduced this measure late last year following President Bush's veto of the Family and Medical Leave Act of 1990.

The President veto represents a legislative watershed. It is now clear that a two-thirds majority for passage over a veto does not exist nor is it likely to develop during the current session. A compromise is needed to establish a family leave benefit that many American families are in need of and a benefit that does not place a undue burden on American employers.

I am including at this point a summary of my Family Leave Act of 1991 and would urge Members to give careful thought to this workable family leave proposal. In the near future, I will place additional statements on the CONGRESSIONAL RECORD to further debate on this important matter:

FAMILY LEAVE ACT OF 1991

A. LEAVE REQUIREMENT

10 weeks (over twenty-four months) of maternity leave for all employees.

10 weeks (over twenty-four months) of leave for all employees for the adoption of a child.

An eligible employee must exhaust all accrued sick leave, vacation leave, or other paid leave before using the leave provided by the Act.

The 10-week period of leave is reduced by the period of paid leave.

Requires 30-day notice of intent to begin leave and 21-day notice of intent to return to the job.

B. DEFINITIONS

Employers covered: any employer who employs 50 or more eligible employees.

Employees covered: any employee who has worked for a covered employer for 12 months and works at least 25 hours per week.

Congressional employees are covered.

Special rule governs leaves for classroom teachers.

Certain highly compensated employees are not covered.

C. EMPLOYMENT AND BENEFIT PROTECTION

Requires that an eligible employee be restored to his/her prior position or an equivalent position, with no loss of seniority or other employment benefits.

During the leave period, the employer is required to continue the employee's health benefits.

If the employee fails to return to work as agreed, the employees' COBRA health benefits will be reduced by the total period of the family leave.

Has no effect on pre-existing collective bargaining agreements or any state laws currently in effect.

D. ENFORCEMENT PROVISIONS

Assesses civil penalties of up to $10,000 on any employer who violates the Act.

In assessing a penalty, the Secretary of Labor shall take into account the previous record of the employer and the gravity of the charge.

Gives the Secretary power to take injunctive action to restrain violations of the Act.

The Act becomes effective 6 months after enactment.

90 days following enactment, the Secretary is directed to issue such regulations as necessary to carry out the Act.

THE PAY EQUITY TECHNICAL ASSISTANCE ACT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, it is with great pride that I reintroduce the Pay Equity Technical Assistance Act.

First introduced in the 101st Congress, the Pay Equity Technical Assistance Act, is the next step in Congress' continued support of pay equity. As you know, in the 98th, 99th, and 100th Congresses, this distinguished body passed legislation mandating a study of the Federal pay and classification systems to determine if they are affected by discrimination based on race or gender. As a result of this support, such a study is now being undertaken by the General Accounting Office. In the 101st Congress, the Pay Equity Technical Assistance Act received overwhelming support from my colleagues on both sides of the aisle.

The goal of the Pay Equity Technical Assistance Act is to make resources and assistance available to those employers who have decided to take steps to address wage inequities in their workplaces, whether it be through a study to see if such disparities actually exist, or through the actual development and implementation of pay equity plans.

In order to accomplish this, my bill would require the Secretary of Labor to develop and implement a program for the dissemination of information on efforts being made in the private and public sectors to reduce or eliminate wage disparities, to undertake and promote research into the development of techniques to reduce or eliminate such disparities, and to provide appropriate technical assistance to employers who are interested in correcting discriminatory wagesetting practices.

Many employers in the private and public sectors have expressed interest in achieving pay equity in the workplace, and I think that the Federal Government should encourage those initiatives.

In 1963, the Equal Pay Act, requiring equal pay for equal work was signed into law. The following year saw the passage of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, sex, or physical disabilities. Yet, the reality of the situation is that more than 25 years after passage of these landmark pieces of legislation, wage inequities still exist. Women constitute over 45 percent of the work force, yet they only make 65 cents for every $1 that men make. And a woman with a college degree working fulltime can expect to earn the same amount as a man with no more than a high school diploma. I feel that it is imperative that the Federal Government once again take the leadership role to secure economic justice.

The Pay Equity Technical Assistance Act forms a partnership between the Federal Government and our Nation's employers so we can find the best way to end pay inequities.

Today's economic reality is that many women need to be in the work force to support themselves and their families. And we, as a nation, need women in the work force for our Nation's productivity and for the health and welfare of its families. By paying women fairly, we can only improve the economic future of our Nation.

I look forward to early consideration of the Pay Equity Technical Assistance Act and urge my colleagues strong support for this bill.

NATIONAL CEMETERY NEEDED

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, today I am reintroducing legislation to transfer approximately 200 acres of Fort Sheridan in Illinois to the Department of Veterans Affairs for use as a national cemetery.

In 1862, President Abraham Lincoln signed a law authorizing the establishment of national cemeteries "* * * for the soldiers who shall die in the service of the country." To date, there are 113 cemeteries within the National Cemetery System, yet these are not adequate to meet the needs of our Nation's veterans. Northeastern Illinois, is one region in our country which is especially in need of additional space.

In 1990, the VA estimated that there were 1,128,500 veterans living in northeastern Illinois, and that nearly 95,000 gravesites are necessary in a new cemetery to meet the area's needs through 2030. Based upon this determination, the VA is in the process of finalizing an indepth study evaluating which of three alternative sites would best serve the veterans in Chicago and the surrounding areas.

In December 1990, the VA issued a preliminary environmental impact statement in which the agency determined that Fort Sheridan is the preferred site. Although the other sites being considered, Grant Park and Cissna Park, were found to be suitable, the study noted several reasons why Fort Sheridan is preferable:

Foremost among these is its location. It is near a high density veteran population area. During the 35 years projected life of the cemetery its estimated interments are 200,000 with a peak projected interment of 27 per day. This is over 3 times the similar projected interments for the Grant park site and over 11 times those for Cissna Park. The Ft. Sheridan site has convenient public rail transportation from mid-Chicage; the other sites do not. Local access to the site is excellent. There are no major environmental concerns. The setting is scenic with trees surrounding much of the area, and Lake Michigan's beach and water is viewed from the site's bluff. A small cemetery already exists on the site and could be merged with the new.

An additional advantage is the fact that the military base is already owned by the Federal

Government. Under this bill, the property would simply be shifted from one Government agency to another. This would eliminate the lengthy process which the purchase of a large tract of property would likely entail.

Clearly, there is no question as to the need for a national cemetery in the Chicago area, and based upon the VA's draft environmental impact statement, Fort Sheridan is best suited to meet this need. Therefore, I urge my colleagues to help me to simplify this selection by supporting this legislation.

HOUSE JOINT RESOLUTION 1, EQUAL RIGHTS AMENDMENT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EDWARDS of California. Mr. Speaker, today I and several of my distinguished colleagues from the House leadership and the House Judiciary Committee have introduced House Joint Resolution 1, the equal rights amendment.

The road to equal rights for women has been a long one. Gathered in Seneca Falls, in 1848, women used the Declaration of Independence as a model to argue for the first time for full rights as American citizens.

Seventy-two years later, in 1920, women finally gained the first right of citizenship—the right to vote—after overcoming enormous opposition. Opponents claimed that women's suffrage would not help women, but would destroy them, the family, and the Nation. Today we know how silly those arguments were.

Yet we hear the same tired arguments against the equal rights amendment. Instead of recognizing that American women are entitled as part of their birthright to full rights of citizenship, we hear contradictory arguments that ERA is either not needed—because the States will do it—or that it would destroy women, the family, and our country.

Only one woman at the Seneca Falls meeting lived to see women get the vote. The equal rights amendment was first introduced in Congress in 1923, on the 75th anniversary of Seneca Falls. Another 75 years have passed since then. Women have waited long enough: the ERA needs to be incorporated into our Constitution now.

ERA is more than a symbol of full citizenship. Yes, there are laws protecting women from discrimination in employment, education, credit, and so forth. But enforcement of those laws is subject to the whim of every administration. We have seen in recent years that the commitment to eradicate discrimination is not always there. Then the signal goes out that if it's OK for the Federal Government to back off of its commitment, it's OK for others, too.

The ERA would stand as a permanent, unassailable commitment by creating a constitutional standard of equality against which the actions of Congress, Federal, State, and local governments and ultimately the private sector would have to be measured.

SALUTE TO AARON AND CHERIE RAZNICK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I am proud to join hundreds of my fellow southern Californians in honoring Aaron and Cherie Raznick. Their countless hours of service to the community and to Israel are legendary.

Aaron and Cherie Raznick have been residents of the San Fernando Valley for 34 years. Since moving to California, they have helped in the family building firm. Aaron became president in 1959, and continues active today.

But besides their business activities, both Aaron and Cherie have lent their considerable abilities to community activities. Among their many efforts have been work on behalf of the American Diabetes Foundation, the UC Santa Barbara Foundation, the Ventura County Parks and Harbor Foundation, and the Gold Coast Commission on Tourism.

In addition, the Raznicks have long been strong and active supporters of the State of Israel, and their work on behalf of the Jewish National Fund has been truly inspirational. The Cherie and Aaron Raznick Family Forest—10,000 trees which will be planted in American Independence Park outside of Jerusalem—will be a lasting legacy to the Raznicks.

For their many accomplishments, Aaron and Cherie recently received the Maccabian Leadership Award from the Jewish National Fund. Mr. Speaker, there is no doubt that they have truly earned this coveted honor, and I ask my colleagues to join me in saluting their achievements.

NATIONAL HUNTINGTON'S DISEASE AWARENESS MONTH

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today I am reintroducing a resolution designating May 1991 as "National Huntington's Disease Awareness Month."

Huntington's disease is a terminal and degenerative brain disorder whose victims lose gradual control over both mind and body. Beginning in barely perceptible ways, often with minor muscle twitches and a general lack of coordination, the disease progresses relentlessly for 10 to 25 years.

At advanced stages, afflicted individuals experience personality changes, spastic contortions, decreased mental capability, memory loss, and slurred speech. Eventually, the loss of nerve cells in the brain causes individuals to become entirely incapacitated and the disease ultimately results in death.

Huntington's disease has already afflicted 25,000 Americans and an additional 125,000 individuals are considered at risk due to the disease's hereditary nature. Although there are no available means of retarding, reversing, or curing this killer's effects, experts are confident that they are on the verge of a breakthrough.

Recent advances in the field of molecular genetics have enabled scientists to approximate the gene site responsible for Huntington's disease. Increased Federal funding for medical research could result in discovery of the cure for Huntington's disease. I firmly believe the designation of a National Huntington's Disease Awareness Month will generate the interest and momentum necessary to combat this devastating killer.

Below is a printed copy of the resolution:

H.J. Res. —

Whereas 25,000 Americans are victims of Huntington's Disease, a fatal, hereditary, neurological disorder;

Whereas an additional 125,000 Americans have a 50 percent chance of inheriting the gene responsible for Huntington's Disease from an affected parent, and are considered to be "at-risk" for the disease;

Whereas tens of thousands of other Americans experience the destructive effects of the disease, including suffering from the social stigma associated with the disease, assuming the difficult role of caring for a loved victim of the disease, witnessing the prolonged, irreversible physical and mental deterioration of a loved one, and agonizing over the death of a loved one;

Whereas at present there is no cure for Huntington's Disease and no means available to retard or reverse the effects of the disease;

Whereas a victim of the later stages of Huntington's Disease invariably requires total personal care, the provision of which often results in devastating financial consequences for the victim and the victim's family;

Whereas recent advances in the field of molecular genetics have enabled scientists to locate approximately the gene-site responsible for Huntington's Disease;

Whereas many of the novel techniques resulting from these advances have also been instrumental in locating the gene-sites responsible for familial Alzheimer's Disease, manic depression, kidney cancer and other disorders;

Whereas increased Federal funding of medical research could facilitate additional advances and result in the discovery of the cause and chemical processes of Huntington's Disease and the development of strategies to stop and reverse the progress of the disease;

Whereas Huntington's Disease typifies other late-onset, behavioral genetic disorders by presenting the victim and the victim's family with a broad range of biomedical, psychological, social, and economic problems; and

Whereas in the absence of a cure for Huntington's Disease, victims of the disease deserve to live with dignity and be regarded as full and respected family members and members of society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1991, is designated as "National Huntington's Disease Awareness Month", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

TO HONOR THE REVEREND MARTIN LUTHER KING, JR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. VISCLOSKY. Mr. Speaker, on January 21, the Nation will officially commemorate the 62d birthday of the late Rev. Martin Luther King, Jr. While his untimely death in 1968 physically took him from this world, his spirit, vision and dedication live on and remain for every American to emulate.

Dr. King spent his entire life teaching—teaching the lesson of gentleness and tolerance. He changed our country forever. He changed it through the power of being right. He would not allow injustice, bigotry or fear to deter him from his mission. And it was a mission. A mission to assure that the rights expounded so eloquently in our Constitution were accorded to every citizen, regardless of color of skin or economic status.

I am privileged to represent the First District of Indiana in the Congress and would note that there are many in northwest Indiana who have endeavored to maintain the legacy of Dr. King. Indeed, in their everyday actions, the clergy, publically elected officials and community and block leaders in the district strive to implement Dr. King's philosophy.

In particular, the Urban League of northwest Indiana and the several chapters of the NAACP located in my district deserve commendation for their unyielding efforts to continue the legacy of Dr. King. Eloise Gentry, director of the local Urban League and Rev. Norman L. Hairston, the league's chairman, have been resolute in their desire to help their brothers and sisters, as have Rev. O.C. Comer, Henry Bennett and Paulette Jenkins, leaders of the local NAACP chapters.

I am proud that the first African-American appointed to a statewide position, Appellate Court Judge Robert Rucker, is a native of Gary, IN, who received his undergraduate degree from Indiana University Northwest and his law degree from Valparaiso University.

Regretfully, today the ugly presence of racism still remains in our society. Now, more than ever, the words and deeds of Dr. King should not be forgotten. For as Dr. King wrote in his letter from Birmingham City Jail:

> Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever affects one directly affects all indirectly.

I ask that my fellow colleagues in the House of Representatives recommit themselves not only to honoring Dr. King's memory, but working to make his dream a reality.

INSURANCE COMPETITIVE PRICING ACT OF 1991

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BROOKS. Mr. Speaker, I am pleased to introduce H.R. 9, the Insurance Competitive Pricing Act of 1991, on this first day of the 102d Congress. We must move quickly on this legislation in order to ensure that fair and affordable insurance will be available to all Americans.

In a sense, the legislation I am introducing represents both a new start and a wrap-up of unfinished business from the previous Congress. After extensive hearings, the identical text of this bill was passed by the full House Judiciary Committee in the closing months of the 101st Congress—the first time a committee of Congress has voted to cut back on the antitrust exemption granted the insurance business in 1945.

Unfortunately, the press of other urgent matters at the close of the session prevented us from bringing up the predecessor bill. I want this body now to be able to express its will on this important measure with all due speed.

At a time of spiraling consumer costs heightened by fears of recession, there is absolutely no justification for one industry to be able to engage in price fixing behavior that is proscribed throughout the rest of the American economy. Our free enterprise system is predicated on open competition—where different companies compete for your business by offering lower prices and better services and products. It should come as no surprise to anyone that skyrocketing premiums and cutoffs in coverage are now an all too familiar experience in many Americans' everyday lives. Without the healthy rigors of competitive forces, there are few built-in checks on runaway pricing—particularly in an industry where joint action is the norm among direct market rivals. The McCarran-Ferguson Act, in its present form, is an anachronism that no place in the current economic climate.

The legislation I am introducing would modify, but not repeal, the antitrust exemption currently enjoyed by the insurance industry under the McCarran-Ferguson Act. This measure is the product of many compromises aimed at permitting the industry to jointly collect certain necessary historical and loss development data, while prohibiting the collective sharing of other types of market-sensitive information if used to fix prices or otherwise restrain competition in the absence of effective State regulation.

Whatever sense the McCarran exemption made in 1945, today the continuation of this special treatment for the insurance industry has become a proposition virtually impossible to defend. I am aware that many insurance groups continue to argue that any revision to McCarran-Ferguson is unnecessary because anticompetitive practices are relatively rare in the industry. If so, there should be nothing to fear from this legislation; but, in any event, such professions of good behavior are no substitute for accepted competitive safeguards to ensure an open and free-moving economy.

I urge all my colleagues to work with me and other members of the Judiciary Committee for swift passage of this legislation.

NATIONAL SERVICE CORPS NEEDED

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PENNY. Mr. Speaker, 5 months ago today I introduced H.R. 5514, a bill that sought to establish a program of voluntary domestic and international service, to establish a Police Corps Program, and to enhance benefits under the all-volunteer force educational assistance program—Montgomery GI bill. Since that time, two types of national service have been very much in evidence. The first, the activation of thousands of military reservists as a result of the crisis in the Persian Gulf, domonstrates that even in times of relative international calm, the United States must remain prepared to act quickly in such situations. Without the incentive provided by the Montgomery GI bill, I am convinced that our troop strength—both Active and Reserve—would not have been at the necessary levels.

The second type of national service was civilian voluntary service outlined in S. 1430, passed by Congress and signed by President Bush. This legislation, which includes a 3-year National Service Demonstration Program sponsored by Senator PELL, indicates our commitment to stimulating community service among all sectors of society, but particularly among our young people. I was disappointed that the student-loan forgiveness sections of the bill were deleted, but I am hopeful that this modest proposal will become a springboard for a broader program.

It is important to continue to discuss national service because the unmet needs of our society continue to grow and we need to further cultivate a civic consciousness among today's citizens.

What exactly do I propose? My legisation would create, restore and expand opportunities for voluntary national service. The legislation is designed to promote community service and civic responsibility by providing opportunities for individuals to serve their communities. It would encourage volunteer participation by providing assistance in student financial aid in exchange for voluntary service. It would enhance recruitment and retention in our Nation's Armed Forces by improving benefits under the provisions of the Montgomery GI bill education programs. It would expand international volunteer service opportunities by affording educational assistance for those serving overseas with private voluntary organizations as well as those serving in the Peace Corps. And, it would encourage qualified individuals to enter and be trained for law enforcement service.

Title I of my bill establishes a program of domestic voluntary service under the auspices of the ACTION Agency and in cooperation with the States. Under this title, States would submit a plan to ACTION, requesting the number of volunteers they could utilize in Federal, State and local agencies or community organizations. These slots could be either full-time or part-time. Volunteers from that State would then apply and be placed in these positions, taking into account the abilities of the volun-

teer as well as the needs of the agencies. While most of the volunteers are expected to be of high-school and college-age, the program has no upper age limit, and is open to any volunteer age 16 and above. Volunteers may choose to contribute 1 year of full-time service, during which they would receive a small stipend and health insurance benefits. Upon completion of their service, they would be entitled to a nontransferable voucher of $8,904. This voucher could be used only to pay for a federally sponsored student loan or for tuition, fees, and so forth, at an educational institution.

For volunteers who choose to make a part-time commitment, they must serve for a period of 2 years, consisting of either 2 weekends a month and 2 weeks a year of full-time service or an average of 9 hours each week of community service. Upon completion of the 2-year commitment, the volunteer would receive a voucher of $4,452. The part-time option is important for those who want to do community service but for whom a full-time commitment is not practical.

In order to encourage volunteers to complete and continue their education, the bill also requires that volunteers have a high school diploma or its equivalent by the time they complete their service.

As much as possible, volunteers are to be utilized in existing programs, with an emphasis on areas of greatest need such as Head Start programs, child care centers, facilities for the elderly, et cetra. Even in program administration, I have attempted to use existing structure. ACTION is the ideal overseer for the program since ACTION already has 45 State offices, a number of regional offices, and their designated mission is coordination of voluntary service throughout the Nation. It also makes good use of the vast voluntary resources already in place in the 50 States. Most already have youth service programs and would readily be able to mesh their activities with a national service program. The idea of my domestic service initiative is to build on rather than supplant existing programs.

Title II came from an idea that occurred to me at a hearing held by the Select Committee on Hunger. It seemed reasonable to give educational assistance to those who choose to serve overseas with private voluntary organizations such as Save the Children and CARE just as we provide educational assistance to Peace Corps volunteers. Title II allows repayment of $6,700 per year on principal and interest for educational loans, with a cap of $13,400 on the total repayment. By expanding this benefit to service with private voluntary organizations we would encourage many more individuals who are willing to make at least a 1-year overseas commitment.

For title III of the legislation, I am indebted to my colleagues, Mr. DORNAN and Mr. FRANK who introduced H.R. 2798, the Police Corps Act, last Congress. As I have said previously, I think establishment of a police corps is a role that the Federal Government can appropriately play and one that will make a tremendous difference in the ability of our State and local governments to fight crime, curb drug abuse, and make all our communities safer. By increasing the pool of trained law enforcement officers, we will be addressing the problem right where it will do the most good, on the front lines. In addition, the police corps provides a means for these young people to attend college in order to enhance their law enforcement skills. The police corps would also assist financially strapped cities, counties, and communities by assuming a significant share of the costs of training law enforcement personnel. This title incorporates much of the Dornan-Frank bill while establishing lower participant numbers and benefit levels consistent with the military service benefits elsewhere in the legislation. This title also allows the child of a law enforcement office killed in the line of duty to receive the benefit.

Title IV of my bill addresses the issue of college student loans. While the legislation does not change existing student loan programs, it does provide deferment of loan repayments while the student is participating as a volunteer in any of the programs proposed.

Earlier bills have proposed eliminating existing college student aid programs and replacing them with vouchers earning exclusively through national service. I do believe that an earned benefit based on previous service is a good idea, however, it is perhaps too early to phase these programs out entirely. Recognizing the high costs of higher education, we instead need to look at other options for complementary student aid and national service programs.

Title V builds on one of the most successful incentive programs ever passed by the Congress, the Montgomery GI bill. Basic benefits under the Montgomery GI bill, both active duty programs under chapter 30 of title 38 and Guard and Reserve programs under chapter 106 of title 10 would be increased. The increase of benefits reflects the approximate 30-percent increase in education costs that have occurred since the inception of the program 5 years ago. The basic benefits for those who served a 3-year enlistment would be $468 per month for 36 months and $325 per month for a 2-year enlistment. For Guard and Reserve members, the benefits would be $182 a month for full-time students, $136 per month for three-fourths time, and $91 per month for half-time students.

Since the Montgomery GI bill has been responsible for the recruitment and retention of the brightest and best of our young people into military service, I would not want to tamper with its success. It works, it provides outstanding educational opportunities for our young people and it is widely accepted throughout our Nation.

Overall, I think this legislation is a good start. It is an attempt to incorporate the best ideas and programs currently available and is a springboard for further discussion of the issue of national service. There is also no question that this legislation would be costly. But, if we are able to get our Federal deficit under control today, by the time we are of a consensus on national service, we should be able to afford the costs of the program. Unless we prepare the groundwork now, we will not be able to take advantage of the opportunity before us to recruit a new generation of Americans in areas of service which enhance their own sense of citizenship, and advance—at home and abroad—the helping hand that is part of America's character.

HONOR THY FATHER AND MOTHER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, last May, the House Aging Subcommittee on Health and Long Term Care released its latest report, "Elder Abuse: A Decade of Shame and Inaction', on the status of State and Federal Efforts to confront the scandalous problem of elder abuse in the United States. As the title suggests, the findings of Chairman ROYBAL'S 50-State survey were extremely disturbing.

Since the late Chairman Pepper first coined the term for this national disgrace in 1978, very little Federal assistance has gone to the States in their efforts to identify and prevent such abuse or assist victims of elder abuse. The report found that 1.5 million (1 in 20) older Americans fell prey to severe abuse or neglect in 1988—a 50 percent increase over the findings of the committee's landmark 1980 study. Most elder abuse occurs in the home and is committed by family members. Forty percent of all reported abuse in the United States is adult abuse—70 percent of adult abuse is elder abuse. Most of the abused are dependent upon their abusers, and many fear reprisal or merely cannot overcome their instinctive love for their children to turn them in.

In 1980, I joined forces with Senator Pepper by introducing legislation intended to set up a National Center on Elder abuse. Despite a strong bipartisan will, and overwhelming support from the States, Congress has repeatedly failed to pass this modest proposal. CBO estimates the cost of my legislation to be $10 million when fully phased in, and requires State matching funds, which most States already put up. This center would collect data, conduct research, and disseminate, information on elder abuse. Also this bill would authorize HHS to award grants for demonstration programs and projects. This is very similar to successful programs to combat child abuse in our Nation.

The Aging Committee report, along with adult protective services all across the country, calls for quick passage of my bill the Elder Abuse Prevention, Indentification, and Treatment Act. In 1980, this problem was largely unheard of in our country—only 16 States required mandatory reporting of elder abuse at that time. Since then, 43 States have adopted adult protective services. Still, the incidence of elder abuse has increased.

Mr. Speaker, the States have done all that they can. I urge my collegues to help them fight this horrendous national problem through cosponsorship and passage of my legislation in the 102 Congress. As Chairman ROYBAL stated at the May 1 hearing, this problem "confounds the Commandment, 'Honor thy Father and Mother.'" May the findings of this Aging Committee report weigh heavily on the conscience of this Congress and the administration until we take decisive action to deal with this disgrace head on.

A TRIBUTE TO RICHARD DUNNE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, Richard Dunne, the former director of the Gay Men's Health Crisis in New York City, died on December 29, 1990. He is mourned by all who knew him.

Richard's significant contributions to persons living with AIDS were made primarily during his relationship with the Gay Men's Health Crisis, the premier AIDS service organization in the country. He began as a client services volunteer in 1983 and served as a Board member until he was appointed Executive Director in 1985. He brought a vision and competence to that position hard to match. When he took the helm at GMHC, the staff numbered 17, with 500 volunteers, and its budget was $800,000. When Richard resigned in 1989, the staff had grown to 125, with 1,800 volunteers and an annual budget of $12 million.

It was under his guidance that GMHC instituted the Public Policy Program, which coordinates lobbying activity at the city, State and Federal levels, and the Medical Information program, which publishes a newsletter on the lastest therapies and treatments, both experimental and approved, for HIV infection and AIDS.

Under Richard's leadership, GMHC's prevention, health care, support and information services grew to serve more than 8,000 persons from all backgrounds and locations in the New York area. GMHC took its place on the cutting edge of AIDS advocacy, fighting for increased AIDS funding and more informed policymaking at all levels of government.

Before joining GMHC, Richard served as a First Lieutenant in the U.S. Army. He then spent 12 years as an employee of the City of New York, the last 5 of which he was Deputy Assistant Commissioner for the Human Resources Administration.

The AIDS crisis is a terrible phenomenon for which no prior experience prepares us. Three years ago, Richard Dunne said, "AIDS is the worst possible news. There is a natural tendency to deny a terrible reality. The human suffering we see around us is often too much to bear." But he chose not to close his eyes. When AIDS presented itself to Richard, he chose to meet it head on with hope and direction. In his life and work we find a vision of hope and a course of action that can serve as a model for all of us.

TRIBUTE TO JOHN STANLEY BOYCE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HERTEL. Mr. Speaker, I would like my colleagues to join me in acknowledging the retirement of John Stanley Boyce.

John Boyce was first initiated into the brotherhood of local 1373 in 1944. During the Second World War, he enlisted in the U.S. Army where he served with the 32d Division "Red Arrows" in the Pacific, Philippines, and Japan. In 1947, he returned to Flint, MI and resumed working in the area as an apprentice. He was elected treasurer of local 1373 in 1948. After his tenure as treasurer, he served as business agent for 1373. In 1962, he became president of the Flint Building Trades and was appointed to the Michigan Carpenters Fund Office as a trustee, a position he still holds.

The next few years saw John Boyce in various prestigious positions. He was elected secretary/treasurer of the Saginaw Valley District Council, and remained in that position until restructuring closed it out. John also returned to local 1373 as financial secretary. In 1987, he returned as a business agent for the Detroit District Council became trustee of 1373, and sat on the executive board of the district council.

During this busy period, John married Ruby Kelsoe. John and Ruby plan to spend their retirement traveling, relaxing, and fishing as well as spending time with their three children and four grandchildren.

My dear colleagues, I ask that you join me in honoring Mr. John Boyce for his years of dedicated service to local 1373 of Flint and his community service.

LEGISLATION TO AMEND THE ETHICS REFORM ACT OF 1989 FOR CERTAIN FEDERAL CIVIL SERVANTS

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RHODES. Mr. Speaker, today I am introducing legislation to amend the Ethics Reform Act of 1989 to allow Federal civil servants below the pay grade of GS–16 to accept honoraria for speeches or articles unrelated to their Government employment. The amendment does not apply to any legislative branch employee. Executive branch employees at or above the GS–16 pay grade have been and will continue to be barred from receiving any honoraria under previous Executive orders and the 1989 act.

This unintended consequence of the tough new ethics law for the executive branch and Members of the House of Representatives was brought to my attention by a constituent, Mrs. Marion Durham of Tempe, AZ. Mrs. Durham wrote to me in August 1990 after learning that she and many others in her situation would be barred as of January 1, 1991, from receiving honoraria for the publication of articles she writes on subjects totally unrelated to her Federal employment.

I contacted the Office of Government Ethics [OGE] to confirm the apparently unintended consequence of the 1989 act and to inquire about the OGE position on the matter. OGE Director Steven Potts responded saying:

We believe that the honoraria ban, if it is not amended by January 1, 1991, will place an unnecessary burden on government employees such as Mrs. Durham. I fully support the goal of reducing conflicts of interest and actual or apparent misuses of government employment. I have no reason to believe, however, that this aim has not been achieved by already existing restrictions governing the outside activities of executive branch employees.

However, even if Mrs. Durham's writings have nothing to do with her government employment, and even if they do not even create an appearance of a conflict of interest with her position, the (new) ban will prohibit Mrs. Durham from receiving honoraria for freelance articles that she submits to magazines and other periodicals for publication.

This Office is therefore of the opinion that the goals of this section (of the Ethics Reform Act of 1989) could have been achieved in a manner that would impose less of a burden upon Government employees. This result could still be accomplished if the statutory language is amended so that the prohibition attaches only when there is some nexus between the source of or the reason for the honoraria and an individual's official duties.

The American Federation of Government Employees and the National Treasury Employees filed a first amendment lawsuit against the United States, the OGE, and the Department of Justice because of the new, extended honoraria prohibitions in the 1989 act. On December 20, 1990, U.S. District Judge Thomas Penfield Jackson denied a motion for a temporary restraining order on procedural grounds and noted the broad nature of the legislative language. That decision is on appeal.

Mr. Speaker, after thoroughly reviewing this issue, I concluded that the concerns of Mrs. Durham and what I believe is the unintended impact of the new law on her freedom to supplement her income—and that of many other Federal civil servants to do the same—by pursuing outside writing or speaking activities unrelated to her official Federal duties, warranted a legislation remedy.

The effect of the amendment I am introducing today is to exempt executive branch civil servants below the GS–16 pay grade from the broad honoraria ban contained in the 1989 Ethics Reform Act. The amendment would keep intact all other aspects of new ethics law and the honoraria ban pertaining to Members of Congress and senior administration officials.

The amendment would essentially codify previously existing executive branch honoraria restriction regulations. However, it would allow civil servants, such as Mrs. Durham, to continue to supplement their income by receiving honoraria—up to $2,000 per occurrence—for outside writing and speaking endeavors which are unrelated to their Federal employment and paid by a party that has no substantial interest in the person's official duties.

I urge my colleagues to support this bill and urge the appropriate committees of jurisdiction in the House of Representatives to expedite hearings and action on this important legislation.

PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BRYANT. Mr. Speaker, today my distinguished colleague from New York [Mr. FISH]

and I are introducing legislation to prohibit State-sanctioned sports gambling. Last year, Congress came within an inch of passing similar legislation. We hope for early action in this session on the bill we sponsor.

As the House Judiciary Committee stated in its report on the crime bill last year, State-sponsored sports lotteries "undermine public confidence in the integrity of the sports involved, place undue pressure on players and coaches, and communicate negative values about sports to the youth of America." To meet concerns that last year's legislation did not go far enough, the new legislation would prohibit not only State sports lotteries but any sports gambling conducted pursuant to State law.

Whether sponsored or authorized by the State, sports gambling conducted pursuant to State law threatens the integrity and character of, and public confidence in, professional and amateur sports, and instills inappropriate values in the Nation's youth.

Reggie Williams, the former Cincinnati Bengals lineman, made the point poignantly last summer in testimony before a Senate subcommittee considering the issue:

I know that I have left pints of blood on football fields all over America, and I would like to think that someone knew that I had a commitment to the integrity of the sport, rather than some type of commitment to dealing with the point spread. I would hope that we can continue looking forward to having kids who will be collecting football cards and baseball cards rather than kids growing up collecting lottery tickets. I would encourage you with all my heart to prevent sports [from] being sanctioned as an institutional form for gambling.

State-sanctioned sports gambling also misappropriates the goodwill and popularity of professional and amateur sports organizations, and dilutes and tarnishes the service marks of such organizations, and for these additional reasons should be prohibited.

Under the legislation, civil actions for declaratory and injunctive relief, to enjoin violations of the law by any State, could be brought by the Department of Justice or any affected sports organization. The new prohibition, however, would not apply to the Oregon sports lottery or to private sports gambling in Nevada, or to parimutuel racing. Neither would it prohibit any State from using a sports theme in a scratch-card game that does not involve actual games between real teams. Existing Federal prohibitions, of course, would remain fully applicable to all of these activities.

The history of the legislation demonstrates its broad support and justifies early action by the new Congress.

In September 1989, the State of Oregon initiated a lottery based on the results of National Football League games. The State soon initiated additional lotteries based on the results of National Basketball Association games. Proposals for similar sports lotteries were debated in other States and the District of Columbia last year, and such proposals are certain to be renewed this year—despite the opposition of professional and amateur sports, law enforcement authorities, church groups and such leading newspapers as the Washington Post, the Baltimore Sun, USA Today, the Cincinnati Enquirer, the Boston Herald, the Atlanta Journal, the Minneapolis Star Tribune, the Seattle Post Intelligencer and the Arizona Republic.

In October 1989, Senator DECONCINI and Senator HATCH introduced legislation (S. 1772) to declare State-sponsored sports lotteries to be unlawful per se under the Lanham Trademark Act of 1946. On May 17, 1990, I introduced a companion bill (H.R. 4844) and two other bills to prohibit State sports lotteries—H.R. 4842, to deny Federal funds to States that sponsored sports lotteries, and H.R. 4843, to amend section 1307 of title 18 of the United States Code to make clear that the prohibitions of the Federal lottery laws apply fully to State sports lotteries. On June 26, a hearing on the Senate bill was held before the Subcommittee on Patents, Copyrights and Trademarks.

On July 23, the House Judiciary Committee, without dissent—and with the support of its ranking Republican member, my distinguished colleague from New York [Mr. FISH] adopted H.R. 4843, in substance, as an amendment to the Comprehensive Crime Control Act, H.R. 5269. On October 5, the House overwhelmingly passed the crime bill containing the lottery ban. Earlier in the day, opponents of the ban withdrew an amendment to strike the committee's lottery-ban amendment in the face of certain defeat.

The committee's sports lottery ban was vigorously supported on the floor by a diverse group of Members. The breadth and strength of support for the ban was evidenced by a half-dozen Dear Colleague letters—from Messrs, BROOKS, FISH and myself; from Messrs. TOWNS and SOLOMON; Messrs. ECKART, UPTON, GRADISON, GALLO, and KOSTMAYER; from Messrs. THOMAS of Georgia, BOUCHER, PERKINS, ROSE, SMITH of Florida, TANNER; from Messrs. TOWNS, LEWIS of Georgia, HAYES of Illinois, STOKES, WASHINGTON, and CONYERS; and Mr. MCMILLEN.

On October 19 the Senate adopted a sports lottery ban as a Senate amendment to a House amendment to the Copyright Amendments Act of 1990, S. 198. Thus, the Senate and the House each passed a lottery ban. Nevertheless, S. 198, as amended by the Senate, was not approved by the House, for reasons unrelated to the sports lottery issue. In the last hours of Congress, moreover, the crime bill conferees could pass only a very limited version of the crime bill. Consequently, many well-supported provisions of that legislation, including the lottery ban, were excluded from the package.

Mr. Speaker, in drafting the new legislation, Mr. FISH and I have attempted to meet two of the principal criticisms of the sports lottery ban that Congress came so close to passing last fall.

The earlier legislation was limited to State sponsored sports lotteries; the new legislation covers all sports gambling conducted pursuant to State law.

The earlier legislation would have subjected State officials to criminal liability; the new legislation provides a civil remedy only.

In addition, the new legislation would "grandfather sports gambling conducted pursuant to State law between September 1, 1989, and August 1, 1990. Although we firmly believe that all such sports gambling is harmful, we have no wish to apply this new prohibition retroactively to Oregon, which instituted its sports lottery prior to the introduction of our legislation. Neither have we any desire to threaten the economy of Nevada, which over many decades has come to depend on legalized private gambling, including sports gambling, as an essential industry.

In the best of all worlds, Congress would not permit any sports gambling to be conducted pursuant to State law. But we cannot let the best be the enemy of the good. As Sports Illustrated has stated, "Nothing has done more to despoil the games Americans play and watch than widespread gambling on them." What is critical is for us to ensure that sports gambling conducted pursuant to State law will not be permitted to expand further. Our legislation will strengthen existing Federal civil and criminal remedies by prohibiting outright State sponsorship or authorization of sports gambling.

One final point deserves mention. We strongly disagree with those who suggest that State sponsorship of sports gambling is preferable to sponsorship of such gambling by organized crime. This is precisely the argument that is used to support legislation of such hard drugs as crack and heroin. It is essentially a counsel of despair, which ignores the deeply corrosive effect of sports gambling nationwide. Even more to the point, we are convinced that legalizing sports gambling actually would promote, not combat, criminal gambling enterprises. Illegal gambling typically offers a far better payout than legalized gambling, and legalized sports gambling can only serve as a gateway into illegal gambling for our Nation's youth and others who would not start gambling without the encouragement that legalized sports gambling would offer.

Mr. Speaker, I believe we are at an important crossroads. Congress has a choice to work to stop sports gambling now or see it corrupt one of our most cherished American traditions. I ask my fellow Members to join with me and act swiftly to support this important legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Professional and Amateur Sports Protection Act".

SEC. 2. FINDING.

The Congress finds that sports gambling conducted pursuant to State law threatens the integrity and character of, and public confidence in, professional and amateur sports, instills inappropriate values in the Nation's youth, misappropriates the goodwill and popularity of professional and amateur sports organizations, and dilutes and tarnishes the service marks of such organizations.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "amateur sports organization" means a person which sponsors, organizes, or conducts any competitive games in which amateur athletes participate and any league or association of such persons,

(2) the term "professional sports organization" means a person which owns and operates a professional sports team engaged in

providing entertainment by providing competitive games and any league or association of such persons, and

(3) the term "State" means any State or territory of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and any agency or other political subdivision thereof.

SEC. 4. SPORTS GAMBLING PURSUANT TO STATE LAW PROHIBITED.

No State may sponsor, operate, advertise, authorize, license, or promote any lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on any game or games engaged in or conducted or scheduled by any professional sports organization or amateur sports organization, or on any performance or performances therein.

SEC. 5. INJUNCTIONS.

Actions to restrain violations of section 4 may be brought in the district courts of the United States by the Attorney General of the United States, acting through the several United States Attorneys, or by any professional sports organization or amateur sports organization whose games or performances are the subject of a prohibited lottery, sweepstakes, or other betting, gambling, or wagering scheme. Such a civil action may be brought in the United States district court for any judicial district in which the defendant resides.

SEC. 6. APPLICABILITY.

The prohibition of section 4 shall not apply to—

(1) any lottery, sweepstakes, or other betting, gambling, or wagering activity in a State to the extent that the activity actually was conducted in that State pursuant to the laws of that State, between September 1, 1989, and August 31, 1990, or

(2) parimutuel racing.

ENSURE MORE EFFECTIVE DISASTER RESPONSE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WELDON. Mr. Speaker, today I am pleased to introduce legislation to help protect the health and safety of all Americans. I was amazed to learn that the Federal Emergency Management Agency [FEMA], does not possess any listing of the expert personnel and equipment which can be used in responding to natural disasters.

In October 1989, the world waited breathlessly for news about the fate of motorists trapped under the collapsed I–880 freeway in Oakland, CA. At the same time, local emergency responders waited for the equipment necessary to locate any survivors. Valuable time was lost. FEMA explained that because the mayor of Oakland had not requested any such apparatus, FEMA had fulfilled its mission.

Mr. Speaker, FEMA must provide more assistance than this. In the case of major disasters, the burden should be on FEMA to inform local government officials of the types of specialized assistance available from the Federal Government.

For this reason, I have reintroduced the "National Disaster Preparedness Inventory Bill." The legislation requires FEMA to develop a listing of the specialized equipment and personnel around the Nation. This registry will be made available to appropriate local government officials in the event of a major disaster.

Mr. Speaker, this bill is a simple one. It is a common sense change for FEMA to make. I urge my colleagues to support this important legislation.

CONGRESSMAN WEISS' STATEMENT ON THE VIOLENT CRIME PREVENTION ACT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, I am introducing legislation that would reduce the amount of violent crime in the United States.

Report after report chronicles the wave of violence on the streets and in the households across America. Although the causes of the violence are complex, one contributing factor is the relative ease of obtaining weapons and ammunition. My bill would prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber ammunition.

By eliminating the bullets for these firearms, we can reduce their use in crimes. After all, guns without bullets are useless. A copy of the bill is provided below.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Prevention Act".

SEC. 2. PROHIBITION AGAINST MANUFACTURE, TRANSFER, OR IMPORTATION OF .25 CALIBER AND .32 CALIBER AMMUNITION.

Section 922(a) of title 18, United States Code, is amended by—

(1) striking "and" at the end of paragraph (7);

(2) striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following:

"(9) for any person to manufacture, transfer, or import .25 or .32 caliber ammunition, except that this paragraph shall not apply to—

"(A) the manufacture of such ammunition for the use of the United States or any department or agency thereof or of any State or any department, agency, or political subdivision thereof; and

"(B) any manufacture or importation for testing or for experimentation authorized by the secretary; and

"(10) for any manufacturer or importer to sell or deliver .25 or .32 caliber ammunition, except that this paragraph shall not apply to the sale or delivery by a manufacturer or importer of such ammunition for testing or for experimentation authorized by the Secretary.".

SEC. 3. LICENSING FEE FOR MANUFACTURERS.

(A) IN GENERAL.—Section 923(a)(1)(A) of title 18, United States Code, is amended by striking out "or armor piercing ammunition" and inserting in lieu thereof ", or armor piercing or .25 or .32 caliber ammunition.".

(b) CONFORMING AMENDMENT.—Section 923(a)(1)(C) of title 18, United States Code, is amended by inserting "or .25 or .32 caliber" before "ammunition" the third place it appears.

SEC. 4. LICENSING FEE FOR IMPORTERS.

Section 923(a)(2) of title 18, United States Code, is amended to read as follows:

"(2) If the applicant is an importer—

"(A) of destructive devices, ammunition for destructive devices, or armor piercing or .25 or .32 caliber ammunition, a fee of $1,000 per year; or

"(B) of firearms other than destructive devices, ammunition for firearms other than destructive devices, or ammunition other than armor piercing or .25 or .32 caliber ammunition, a fee of $50 per year.".

SEC. 5. LICENSED IMPORTERS AND LICENSED MANUFACTURERS REQUIRED TO MARK ALL .25 AND .32 CALIBER AMMUNITION.

Section 923 of title 18, United States Code, is amended by adding at the end the following:

"(l) Licensed importers and licensed manufacturers shall mark all .25 and .32 caliber ammunition and packages containing such ammunition for distribution, in the manner prescribed by the Secretary by regulation.".

SEC. 6. PENALTY FOR POSSESSION OF .25 OR .32 CALIBER AMMUNITION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Subsections (a)(1) and (b) of section 929 of title 18, United States Code, are each amended by inserting "or .25 or .32 caliber" before "ammunition".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the first day of the first calendar month which begins more than 90 days after the date of enactment of this Act.

NATIONAL SOLID WASTE MINIMIZATION ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. SNOWE. Mr. Speaker, today I am reintroducing legislation that I sponsored during the 101st Congress and which is directed at one of our Nation's greatest emerging problems: how to handle the growing volumes of generated municipal solid waste, including types of packaging and other products.

By establishing clear waste reduction and recycling goals and mandates, and by expanding the regulatory authority of the Environmental Protection Agency at the Federal level, the National Solid Waste Minimization Act takes a strong approach to the solid waste problem. Absent the Federal-level support which the public recognizes to be clearly needed, States and local communities are struggling to find ways to handle growing volumes of wastes, even as hundreds of landfills are closing across the country.

The need for a greater Federal role in solid waste management is abundantly clear: the EPA estimates that one-half of this Nation's 6,000 landfills will be closed within 5 years, due to reaching capacity or insufficient environmental protection standards. Americans produce an average of 1,300 tons of garbage per year, almost 4 pounds per person per day.

Absent significant reduction and recycling efforts, the total annual generation of wastes in the United States will reach 190 million tons by the year 2000, rising from the current level of 160 tons per day.

The National Solid Waste Minimization Act offers a comprehensive approach to this problem. Its main provisions are:

NATIONAL GOALS FOR SOLID WASTE

Establishes a national goal to keep the total national generated amount of wastes at no higher than the current level. By 1994, the United States should strive to handle 25 percent of all municipal solid wastes through source reduction or recycling, reaching a level of 40 percent by 2000.

EPA REPORT TO CONGRESS

Requires the EPA to submit annual reports to Congress on progress toward reaching the national waste reduction goals, a breakdown on the amount and components of the solid waste stream, current methods used to manage wastes and their effectiveness, as well as recommendations on the regulatory or legislative initiatives needed to meet the goals of this act.

ANALYZE RECYCLED AND RECYCLABLE WASTES

Directs the EPA in coordination with the Department of Commerce to complete a list within 2 years of commonly used categories of packaging and products and, for each category, to assess the percentage of recovered recycled materials used in their manufacture, as well as the percentage of materials recycled upon their discard.

ENFORCEMENT AND REGULATORY ACTION

Directs the EPA to target for regulatory action categories of certain products or packaging due to their low levels of recycling, low use of recovered material, or high volumes in the waste stream. The EPA may require the use of recovered materials used in packaging or products, or ban the use of certain materials or combinations.

VOLUNTARY PACKAGING STANDARDS

Directs the EPA and the Department of Commerce, in consultation with industries, environmental organizations and other parties, to develop a voluntary system of packaging standards with regard to materials used, and recyclability of packaging upon their discard. A labeling system would also be established to indicate product compliance.

EPA REPORT ON LANDFILL CLOSURES

Requires the EPA to submit an analysis to Congress within 1 year on the costs and problems being encountered by States and local governments with the obligated closing of landfills, and recommendations, including possible funding and technical guidance, to be provided.

Mr. Speaker, I believe the need for fundamental changes by society in the generation and handling of solid wastes is very evident. Our ability to produce and dispose of packaging and other products is expanding markedly, increasing total waste volumes, just as our disposal capacity is running out.

I urge my colleagues to join me in support of this legislation.

TRIBUTE TO SUPERVISOR TORU MIYOSHI

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute today to Santa Barbara County Supervisor Toru Miyoshi, who will retire on January 4 after 12 years in elective office and a lifetime of dedicated service to the public.

Toru was born in Guadalupe, CA, and attended local schools. He enlisted in the United States Army in 1946 and was recalled to the Korean conflict in 1952. In 1955, he graduated cum laude from the University of Southern California. He attended USC Graduate School of Business, and in 1957 returned to Santa Maria to open an insurance and real estate office.

In 1978, he was elected to the Santa Maria City Council, where he served until 1982, at which time he was elected to the Santa Barbara County Board of Supervisors. He was reelected to the board in 1986. During his tenure in public office, he served on the Regional Coastal Commission, the Area Planning Council, the Southern California Hazardous Waste Management Authority, and the Tri-Counties Oil Commission. He also served as chairman of the Santa Barbara County Flood Control and Water Conservation Agency, vice chairman of the Water Agency, and board liaison to the Area Agency on Aging.

His community activities include serving on the city of Santa Maria Water Management Advisory Committee; member of the Santa Maria American Legion Post No. 56; 1 STRAD Commander's Liaison Group, Vandenberg AFB; member of Santa Maria Valley Historical Society; Santa Maria Chamber of Commerce; Friends of the Library; Friends of Waller Park; supporter of PCPA Theaterfest, North County Special Olympics, and the YMCA.

Toru and his wife Jeanne, have two daughters, Lisa and Joni. Lisa, husband David, daughter Laura, and son Logan, live in Fairbanks, AK. Joni resides in Santa Maria and is employed with Martin Marietta at Vandenberg Air Force Base.

Mr. Speaker, I want to publicly acknowledge and thank Toru for his dedicated service on behalf of the community and for his commitment to effective local government. We owe him a debt of gratitude which will not be forgotten, and on behalf of the U.S. House of Representatives, I want to extend to Toru and Jeanne our sincere thanks and best wishes for the future.

INTRODUCTION OF THE OUTER CONTINENTAL SHELF REVENUE SHARING ACT OF 1991

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. FIELDS. Mr. Speaker, I am pleased to introduce today, along with our distinguished colleague from Alaska, Congressman DON YOUNG, the Outer Continental Shelf Revenue Sharing Act of 1991.

As the ranking minority member of the Outer Continental Shelf Subcommittee for the past 6 years, I have thoroughly reviewed every aspect of our Federal OCS Program. There is no question that our Federal offshore lands can be explored and developed in an environmentally sound manner.

In fact, the Federal OCS has an outstanding environmental safety record. It is our Nation's safest energy extraction program.

In the past 15 years, nearly 5 billion barrels of oil have been produced from the Outer Continental Shelf. Yet, less than 900 barrels have been spilled. In contrast, natural seepage along the California coast amounts to 18,000 to 277,000 barrels of oil each year, according to the California State Lands Commission.

To date, more than 37,500 wells have been drilled in Federal and State waters. There has never been a blowout or major oilspill from any exploratory oil well drilled in U.S. waters.

Out of the 60 largest oilspills that have occurred in the waters of this Nation, only one was the result of OCS oil and gas activity. The remaining 59 spills were mainly caused by tankers, the majority of which were carrying imported crude oil.

While I am an enthusiastic supporter of Federal offshore energy development, there is one aspect of the program which needs improvement; and that is the focus of this legislation. I believe the Federal Government should compensate those communities which are directly affected by OCS development off their shores. While those impacted by onshore energy development receive substantial funding under the Mineral Leasing Act, unfortunately, for those Federal leases more than 6 miles offshore, our coastal States receive nothing from the Federal Government.

Mr. Speaker, this is a policy that must be changed. Instead of making our local communities bear the impact of offshore development alone, the OCS Program can be improved and future leasing can be encouraged by forming a partership with our States.

I am pleased that President Bush shares my views on the need for an OCS revenue sharing program, and I am grateful that this idea was included within his OCS policy statement of June 26, 1990. In fact, in that announcement the President said his administration would "prepare a legislative initiative that will provide coastal communities directly affected by OCS development with a greater share of the financial benefits of new development and with a larger voice in decisionmaking."

Mr. Speaker, I look forward to working with the administration in this effort and am hopeful that an OCS revenue sharing program can be established early this year.

Under the terms of my legislation, each coastal State would receive funding based on a formula which incorporates five major criteria. These criteria are:

First, the amount of actual leasing carried out under the OCS Lands Act which occurs within 250 miles of a State coastline;

Second, the volume of oil and gas produced from the OCS which is first landed in each coastal State;

Third, any proposed oil and gas lease sales which are scheduled to occur within the OCS planning area adjacent to a coastal State;

Fourth, the coastal-related energy facilities located within each coastal State; and

Fifth, the coastal population of each State.

Mr. Speaker, these funds would be allocated from an account established in the U.S. Treasury which would contain at least $500 million in OCS receipts each year. While the amount of funding a State would receive would vary each year, my legislation defines a coastal State to include those in, or bordering on, the Atlantic Ocean, Pacific Ocean, Arctic Ocean, Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes.

I urge my colleagues to join with me in encouraging the development of an OCS revenue sharing program. It is my firm belief that such a program is long overdue and I offer this legislation as one way to establish a sound, realistic, and fair allocation system.

INTRODUCTORY STATEMENT OF THE NATIONAL PUBLIC WORKS CORPORATION ACT

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CLINGER. Mr. Speaker, the legislation that I introduced today is one important answer to the growing need for a mechanism to finance public facilities with a minimum drain on Federal spending and a high degree of capital leveraging. The Nation's ability to encourage the expansion of business and the development of new industries is constrained by the difficulty of delivering public services. Economic productivity cannot increase if our public facilities are unable to support growth.

Just to maintain our current level of public services over the next 20 years—without any major new expansion in the economy—it is estimated that we would need to spend between $1 and $3 trillion. In a report issued in 1988, the National Council on Public Works Improvement recommended that total public investment must double if we are to match expected growth. At the same time, however, State and local governments are still in the best position for determining project priorities that address the most serious and immediate challenges confronting their economic development.

The Federal Government dominates public works investment policy by financing about half the outlays on our country's civilian infrastructure. Unfortunately, the assistance is usually in the form of rigid categorical grants that are funded and designed according to national priorities, with very little money available from flexible sources. Once a project is completed with categorical grant funding, no recoupment of Federal funds is possible unless the funds were misspent. Trust funds that generate user fees are the exception to this rule.

Mr. Speaker, I propose a new legislative approach that combines the flexibility of blockgrant funding with the advantages of a guaranteed stream of revenue.

ESTABLISHMENT OF A CORPORATION

The bill establishes a National Public Works Corporation that could leverage up to $50 billion in capital for public facilities when fully funded by Federal and State governments. The Corporation is to be composed of a bipartisan board of directors. The revenues from a fraction of the interest on loans to State and local governments would be used to pay for administrative costs and salaries. The quasi-independent corporation's review of projects would be limited to: First, financial matters of integrity on the institution's reserves and loan portfolio; and second, the technical and competitive aspects of projects. The determination of investment levels and priorities rests with the states.

CAPITALIZATION AND RESERVE FUND

The initial capitalization of the corporation authorizes $2.5 billion from the Federal Government, to be matched by $2.5 billion from participating States. The combined amounts of actual appropriations and State contributions constitutes a 10-percent reserve requirement for the corporation. The total amount of outstanding loans may be exceed 10 times the amount of reserves. These loans will be financed through the issuance of bonds with the full faith and credit of the Federal Government as a guarantee.

Although States must initially match the Federal contribution on a dollar-for-dollar basis, they ultimately would be permitted to leverage 20 times that amount in project loan funds. Moreover, the States could determine their own contribution schedules, because their fiscal capabilities may vary.

Participation in the corporation is voluntary. The State chooses the amount and time of contributions. The maximum contribution is limited to the amount that bears the same ratio to $2.5 billion as the State's population bears to the national population. For example, a State with 10 percent of the country's population may contribute up to $250 million. The Federal Government matches the contribution with an equal amount. If fully capitalized, the State is then entitled to loans of up to $5 billion, depending upon the State's contribution. As the loans are repaid, the States are entitled to second generation funds for further loans—an advantage over categorical grant programs.

LOANS TO STATES AND LOCAL GOVERNMENT

The corporation is authorized to make loans to participating States and to units of Government within those States. The loan may be less than the total cost of the project, if other sources of funds are committed from Federal and State grants, local contributions and private donations. The funds are generally available for the construction, reconstruction, rehabilitation, or repair of any public facility. However, the repayment of the loan and the operation, maintenance, and replacement costs of the project must be tied to a guaranteed stream of revenues for the use of the facility.

The interest rate on the loan is based upon the cost of borrowing funds and the corporation's administrative costs. Interest rates may be reduced across the board through a direct appropriation by Congress. This authority is to be used when high interest rates would make the cost of loans from the corporation an inordinate burden on borrowers.

The corporation may only approve loans that have the approval of the Governor of a participating State. The board shall ensure that the project is technically feasible and that awards are made on the basis of competitive bidding. The corporation is granted further powers to audit the borrower's compliance with the loan requirements and to take remedial actions.

DEFAULTS

In the event of a default on the loan by a State and local Government, half of the amount of the default would be charged against the State's reserves. A State may replenish its reserves within 2 years, but after that time, the amount of potential loans in the future would be substantially reduced. The reserves are vitally important for maintaining the creditworthiness of the corporation.

Mr. Speaker, this bill is not intended to be a complete answer to the financing of our infrastructure needs, but it can be an important step in addressing a large part of the problem. The setting of priorities rests with the States. Although the Federal Government will be engaging in a new credit lending activity, several provisions in the bill contain strong assurances that loan guarantees to bond investors carry as little risk as possible against loan defaults. I believe that this legislation will provide Congress with an opportunity to address the growing infrastructure crisis in the years ahead in a cost effective manner.

CONGRESSMAN TED WEISS' STATEMENT ON REPEALING GRAMM-RUDMAN

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, today I am introducing legislation that repeals the Gramm-Rudman Balanced Budget Act. It is time Congress admit to the American people that Gramm-Rudman is a total failure. It has not reduced the Federal debt. In fact, Federal budget deficits have persisted and the overall Federal debt has burgeoned since the law was passed.

Gramm-Rudman has only succeeded in giving license to budget gimmickry. The law should be repealed so that the public is not subject to the massive cuts mandated by the law. A copy of this legislation is printed below.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL.

Subject to section 2, the Balanced Budget and Emergency Deficit Control Act of 1985 (title II of Public Law 99-177) is repealed, effective as of the date of its enactment.

SEC. 2. EXCEPTION.

Sections 261 and 272 of the Balanced Budget and Emergency Deficit Control Act of 1985 (and section 275 of such Act to the extent that it relates to those sections) shall not be included in or affected by the repeal of such Act under section 1, and shall be effective as though this Act had not been enacted.

HONORING RABBI AND MRS. EDGAR GLUCK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, this weekend the Hebrew Academy for Special Children is honoring a very fine couple who have been an inspiration to all of us.

Rabbi Edgar Gluck and his wife, Freide, have dedicated their lives to the principle of doing good for others.

Rabbi Edgar Gluck has served in so many significant roles that space prohibits listing them here. As a liaison between our New York Hassidic communities and our government officials, he is well known as an articulate spokesperson for the desires and needs of that community.

It is taken for granted in New York that nothing ever transpires in our Hassidic communities without Rabbi Gluck's knowledge, and usually, concurrence.

Rabbi Gluck previously served as assistant commissioner for community affairs in the New York State Division of Youth. As a youth officer, Rabbi Gluck has devoted a major part of his life to our young people. Recognizing that our youth are our greatest asset for the future, Rabbi Gluck and Mrs. Freide Gluck have dedicated their lives to teaching our young people to lead productive careers. They have accomplished this laudable goal through programs to teach our young people to expend their time productively, and also through their own personal example.

Rabbi Gluck's skill led him to be appointed to New York City positions under three different mayors—John V. Lindsay, Abraham Beame, and Edward Koch. In each of his many New York City governmental roles, Rabbi Gluck demonstrated care and concern for the neighborhoods which make up "the Big Apple."

Rabbi Gluck was later appointed by Governor Cuomo as assistant to the superintendent of the New York State Police for Community Affairs. In that capacity, Rabbi Gluck has been an outstanding liaison with our law enforcement community.

Mr. Speaker, our colleague in the other Chamber, the gentleman from New York, Senator D'AMATO, will be presenting Rabbi and Mrs. Gluck with an award of appreciation on behalf of the Hebrew Academy for Special Children. I invite my colleagues to join with HASC in saluting this truly remarkable couple.

TRIBUTE TO MILLIE JEFFREY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Ms. Millie Jeffrey. Ms. Jeffrey is being honored for her years of service to Wayne State University.

J.B. Dixson, a Detroit area communications executive, has said of Millie, "she's kind of like a saint, so nobody wants to say anything too colorful about her." She has become a part of the city of Detroit's soul. She has helped define Detroit in a hopeful and optimistic way and has done it in a manner few others could. Her idealistic attitude counterbalanced with her generous spirit, have earned her the respect of an entire metropolitan area.

As Millie moves on from the Board of Governors at Wayne State University, her progressive politics have made a lasting impact on the school she has cared so much about. She has genuinely cared about the students. She also cares about justice and she has fought for both with passion and vigor.

Millie has devoted her life to the critical issues of our time: worker's rights, women's rights, civil rights and peace, just to name a few. While others may have drifted into apathy, she has never given up the fight for what she knows is right. The students of Wayne State have been fortunate to have the example of her lifetime of vigorous commitment.

I am proud to consider Millie a friend of mine and wish her the best of luck. She has set a high standard for others to follow and will long be remembered as a true friend of our community.

THE ECONOMIC STATUTE OF REPOSE ACT

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SCHULZE. Mr. Speaker, our Nation continues to be confronted by a crisis of astounding proportions; a crisis which is hidden to our citizens in the cost of consumer goods, services and transportation. This crisis is also leading to lost jobs and making America less competitive in world markets. The crisis I am referring to is product liability.

Today, I am introducing legislation to address one particular segment of the product liability crisis, the need for a basic statue of limitations or, in this case, a statute of repose. The bill is targeted to help manufacturers of equipment and machinery avoid lawsuits when the products they sell wear out over time through normal use. Today, a manufacturer remains liable even when the product causing injury has outlived its normal economic life and been resold, repaired, worn-out, or even altered by its user.

The Economic Statute of Repose Act is a simple and straightforward measure. It limits manufacturer liability on a product to the economic life or depreciable period for that product under section 168(g) of the Internal Revenue Code. This measure will eliminate many frivolous lawsuits and relieve manufacturers of burdensome, costly and undeserved liability insurance costs. However, it will continue to allow injured citizens to sue responsible parties which, in many cases, are those who maintain or resell manufactured products.

I urge the passage of the Economic Statute of Repose Act, a strong and necessary step forward in addressing our hidden domestic crisis, product liability.

THE UNEMPLOYMENT TAX AND RELIGIOUS SCHOOLS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, today I am introducing legislation designed to end an inequity that currently exists in our Tax Code. The Federal Unemployment Tax Act [FUTA] exempts certain churches and religious organizations operated by churches from having to pay State unemployment taxes. This exemption extends to schools which are directly operated by churches. Although schools operated by churches are exempt, there is a class of religious schools which is presently not exempt—schools which, I believe, in equity and fairness, and for constitutional reasons, deserve this exemption.

The schools in this nonexempt class are religious schools which are not operated by churches, but are instead operated by lay boards of believers. These schools are as pervasively religious as the church-operated schools. Indeed, nonchurch religious schools would not exist except for their religious mission and are, in every way except church affiliation, religiously indistinguishable from exempt schools. It is my understanding that these schools constitute about 20 percent of the membership of the Protestant evangelical schools in the country, and that, in addition, Catholic, Jewish, and other Protestant schools fall into this category.

Simply put, these schools should not have to bear the burden of the FUTA tax. These schools are for all intent and purpose the same as church operated schools. Not exempting such schools raises serious constitutional questions with respect to the free exercise and establishment clauses of the first amendment as well as the equal protection clause of the 14th amendment. Although an effort was made to bring this issue before the Supreme Court, the Court did not reach the merits and dismissed the case on other grounds. Recognizing the constitutional issues involved, the U.S. Department of Labor deferred the initiation of conformity proceedings for roughly 2 years against States which exempt these schools from State unemployment tax "until the constitutional issue is definitively resolved." The constitutional issue has yet to be resolved and the Department of Labor has since started enforcing its interpretation of the law.

My legislation will clarify this issue once and for all by simply amending the Internal Revenue Code to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax. I believe that many Members of Congress will find religious schools in their districts that fall into this nonexempt category, and, moreover, will find that these schools merit equitable and constitutional treatment.

AID FOR THE AMERICAN BREAST CANCER EPIDEMIC

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, today I rise to urge all of my colleagues to join me in the fight to rid our Nation of a killer. I am reintroducing legislation to boost the National Cancer Institute's effort to find a cure for breast cancer. The scourge of breast cancer has reached epidemic proportions in our Nation. In 1990, 144,000 women in the United States were diagnosed with breast cancer and 43,000 died of this disease. One in ten American women will be diagnosed, at some point in their life, as having breast cancer. Early detection can be crucial, but what is needed is a cure. According to the Federal Centers for Disease Control, the death rate for victims has increased 24 percent between 1979 and 1986.

Some minor progress has been achieved in search for a cure, but many new leads cannot be currently explored. Most of the $74 million budgeted in fiscal year 1989 for breast cancer at the National Cancer Institute, was directed to treatment and clinical trials. While this work is also essential, relatively little is left for basic research and etiology. To adequately follow up on leads to a possible cure, at least $25 million in additional funds, earmarked to basic research is needed. As Dr. Marc Lippman of Georgetown's Vincent Lombardi Cancer Center recently testified before the House Select Aging Committee, an annual boost of this size over the next 5 years would radically alter the way we treat breast cancer in our Nation. For instance, recent studies suggest that a gene has been isolated which can indicate a genetic predisposition to breast cancer. My legislation will provide the National Cancer Institute with a needed boost to pursue such leads.

Mr. Speaker, with the expected deaths of 43,000 American women this year, the incidence of breast cancer has reached a crisis proportion. An additional $25 million in funding for breast cancer research is a small price to pay for a chance to advance a cure. Currently, only one out of every six approved grants at NCI gets funded.

Breast cancer is not solely an issue for women. Breast cancer uproots and bankrupts families, orphans children, and widows spouses. All of us know of someone whose life has been disrupted by this killer. The scientific community is on the right track, but more resources are needed to finish the job. I urge all of my colleagues to join in the fight and cosponsor this legislation.

SALUTE TO JIM DOUGHERTY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor a good friend and an outstanding local official, Ventura County Supervisor Jim Dougherty, who officially retires on Monday after 12 years of service.

Jim's contributions during more than two decades of public service are too numerous to mention. From serving as one of my hometown of Simi Valley's first city council members to his time as a legislative assistant in Sacramento to his tenure on the board of supervisors, he has been an innovator and a leader.

Perhaps most importantly, Jim has always remembered that he was in office to serve the taxpayers. He was always seeking ways to make government more cost effective and to provide essential services at the lowest possible cost. That stance didn't always win him popularity contests with some special interests, but he was very popular with the voters, who overwhelmingly re-elected him twice.

And, Jim can leave the board knowing that while many California counties are in serious financial difficulty, Ventura County remains fiscally sound, with a reputation of being one of the best managed counties in California.

Mr. Speaker, I'm sure my colleagues join me in saluting Jim Dougherty for his many accomplishments, and for wishing him well as he leaves government service. He is a public servant who has truly made a difference.

INTRODUCTION OF A BILL TO PERMANENTLY EXTEND SECTIONS 51 AND 52 OF THE INTERNAL REVENUE CODE, THE TARGETED JOBS TAX CREDIT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RANGEL. Mr. Speaker, today I am introducing a bill to permanently extend sections 51 and 52 of the Internal Revenue Code, the targeted jobs tax credit.

The targeted jobs tax credit [TJTC] has been in effect since 1979 and has been renewed seven times. Each time Congress has been convinced that this program has successfully encouraged employers to reach out for employees from the targeted groups that have found it difficult to secure training and employment. In fact, over 4½ million Americans from groups who have problems entering the work force have been employed through TJTC.

TJTC employees include recipients of welfare, SSI and general assistance; unemployed youth; Vietnam-era veterans; the physically and mentally disabled; ex-felons and cooperative education students. By becoming part of work force, they have reduced Government expenditures for welfare, SSI, unemployment insurance, food stamps, disability payments, Medicaid and incarceration.

In the face of the emerging recession it is now more important than ever to provide incentives to employers to hire from these targeted groups. In fact, before the onset of the recession the unemployment rate for those in the targeted groups were well in excess of the population at large. I imagine that it will grow with the growth in the unemployment rate.

The TJTC has been a success. The evidence shows that over the years a positive pattern has emerged among many major employers. Many employers use the TJTC incentive as a basis to reach out to groups that they would otherwise never seek to find employees. This affirmative effort means that many secure employment that without the existence of TJTC would have been passed over or ignored. Employers knowing they will receive a credit for part of the wages paid a person are more willing to take time and effort to train those from these groups that they might otherwise ignore. Employers are often more patient with TJTC employees so many of whom are inner city youth with little or no job skills or good work place habits. A large number of TJTC employees are physically handicapped individuals who just need some time and consideration as they adapt to the opportunities they are given. Once the handicapped are given a chance they become among the most dependable, loyal and stable employees. But, without the TJTC many of these people would be economically impossible to hire.

Surely it is more efficient to spend our scarce resources by employing disadvantaged youth and the handicapped than running the risk that many of them will end up going through the revolving door of the criminal justice or health care system costing the Nation millions of dollars.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1990

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation amending the Soldiers' and Sailors' Civil Relief Act of 1940 to enhance the protection for members of the Armed Forces on active duty, including members of the Reserve components of the Armed Forces.

When a reservist is called into active duty, his earnings may be reduced by a considerable amount. As a result, the reservist may not be able to meet his car, mortgage, or personal loan payments.

Many years ago, Congress enacted the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the reservists' interests when they were called into active duty.

The one area Congress overlooked was rent. While Congress did include a provision under the housing section of the Soldiers' and Sailors' Civil Relief Act of 1940, to protect individuals from being evicted.

The current legislation will only protect the reservists dependents from being evicted as long as the rent does not exceed $150 per month, and the landlord can evict the dependents within 3 months.

My legislation would adjust the $150 rent ceiling upward to $600, and the rent limitation will be increased by a percentage equal to the cost of living adjustment for retired members of the armed services on December 1 of each year.

Additionally, the landlord will not be able to evict the reservist or his family during the service person's active duty.

Under the present laws, reservists are experiencing difficulty in meeting high rent payments.

Take for example a reservist who is making $50,000 a year, has a wife and three children. When that reservist is called into active duty his salary can be reduced up to 50 percent. How is he going to continue paying his rent and supporting his family while he is on active duty?

The Soldiers' and Sailors' Civil Relief Act Amendments of 1990 protects reservists who cannot make the high rent payments by placing a stay on their lease, as long as the reservist is on active duty for more than 30 days.

During the period that a stay is placed upon the lease, the reservist would have to pay an amount agreed upon by the reservist and the landlord, which will correspond to the sum of any basic allowance for quarters and variable housing to which the reservist is entitled to while he is on active duty.

The amount of agreed rent that is unpaid during the period of active duty will bear interest at a rate of 6 percent and will be repaid in equal monthly installments, beginning 1 month after the termination of the period of active duty, and to be paid over a period equal to four times the number of months the reservist was on active duty.

To all my colleagues that share my concern that the reservists may suffer financial hardship when called to active duty, I urge you to cosponsor this measure and send a clear message to our Nation's reservists that their hard work has not gone unnoticed.

I insert at this point in the RECORD the full text of my bill for review by my colleagues.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Soldiers' and Sailors' Civil Relief Act Amendments of 1991".

SEC. 2. STRENGTHENING THE LIMITATION ON THE AUTHORITY TO EVICT DEPENDENTS OF MEMBERS OF THE ARMED FORCES FROM RENTAL HOUSING.

Section 300(1) of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530(1)) is amended—

(1) by striking out "$150" and inserting in lieu thereof "$600"; and

(2) by adding at the end the following new sentence: "Effective on December 1 of each year, the rent limitation on the application of this section shall be increased by the same percent by which the retired pay of a member or former member of the Armed Forces is increased for that year under section 1401a(b)(2) of title 10, United States Code.".

SEC. 3. SPECIAL EVICTION RULES FOR MEMBERS OF A RESERVE COMPONENT ORDERED TO ACTIVE DUTY.

Section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530) is amended—

(1) in paragraph (2), by inserting after the first sentence the following new sentence: "Notwithstanding the preceding sentence, in the case of a member of a reserve component of the Armed Forces who is ordered to active duty for a period of more than 30 days, the stay authorized by the preceding sentence may be ordered for the period specified in section 204."; and

(2) by adding at the end the following new paragraph:

"(5) A member of a reserve component of the Armed Forces who is ordered to active duty for a period of more than 30 days and who receives a stay as provided in this section shall pay as rent during the period of that stay an amount equal to the agreed rent that corresponds to that period or the sum of any basic allowance for quarters and variable housing allowance to which the member is entitled during that period under sections 403 and 403a of title 37, United States Code, whichever is lesser. The amount of the agreed rent that is unpaid, if any, during the period of active duty of the member shall bear interest at a rate of six percent per annum and shall be repaid in equal monthly installments, beginning one month after the termination of the period of active duty, over a period equal to four times the number of months of active duty of the member.".

REINTRODUCTION OF THE DIVERSITY IN MEDIA ACT OF 1991

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, in 1973, the Federal Communications Commission [FCC] adopted internal policies designed to increase diversity in the ownership of broadcast entities. During the late seventies and early eighties, these policies helped add significantly to the number of women- and minority-owned broadcast stations. However, in 1985 the FCC's minority preference policies were called into question in the courts; the Commission suspended all license applications and pending cases where minority preferences were involved and sought to dismantle their own policies. The question of the constitutionality of these policies was in doubt for several years, but last year, the United States Supreme Court upheld the FCC's policies giving preference to minorities in the sale of broadcast stations. The legislation that I am introducing today will codify these policies and make them a part of our Federal laws.

The FCC's distress sale policy and the comparative hearing enhancement credit are two of the three most important components of efforts to increase broadcast entity ownership opportunities for minorities. Minority ownership is perhaps the most important element in providing diversity in broadcast programming and viewpoints. Diversity is a long established goal in U.S. telecommunications policy. It stems from our strong belief in the right to free speech and the principle that minority groups—both numerical and ethnic—have a right to have their viewpoints heard. Further, diversity of ownership of the broadcast media is vital to gaining a broad spectrum of views on our Nation's airwaves. Television and radio play a dominant role in informing the American public of news events and shaping their perceptions of people. If minorities and women do not have access to these mass media facilities—and without ownership, they often don't—they have no realistic chance of contributing to this exchange of information and views.

Now that the Supreme Court has ruled, it removes the uncertainty of the validity of the two policies; it's now up to Congress to take the next logical step and codify them. I urge my colleagues to support this effort.

REPEAL THE ACCUMULATED EARNINGS TAX

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CRANE. Mr. Speaker, today I am introducing legislation which would repeal the accumulated earnings tax [AET] as it applies to widely held corporations.

The accumulated earnings tax, section 532 of the Internal Revenue Code, has been imposed on closely held corporations that accumulate earnings and profits (rather than pay them out as dividends) in order to assist their shareholders in avoiding income taxes. The 1984 Deficit Reduction Act made the accumulated earnings tax applicable, for the first time, to widely held corporations. The AET was an understandable congressional response to the formation of investment corporations which were created for no true business purpose but were simply devised to take advantage of what was at the time a huge disparity between the capital gains tax rate and the dividend tax rate, a difference which no longer exists. However, although this concern seemed legitimate for closely held corporations, it is hard to understand why there would be this same concern with respect to manipulating dividend policy in a widely held corporation.

Were section 532(c) simply unnecessary, I suppose we could just let it stay on the books. However, the continued existence of section 532(c) is actually quite harmful to the decision making process of legitimate companies. Continued application of section 532(c) to widely held corporations means that the IRS will be essentially interfering in the corporation's decision of whether or not to pay a dividend. If the board of directors of a corporation believes the corporation should accumulate funds to expand, invest, or conduct research and development, it must do so with some trepidation knowing the IRS may invoke the accumulated earnings tax. Because of the continued threat of the applicability of the accumulated earnings tax to widely held corporations, there may be a tendency for corporations to pay dividends, even when corporate resources should be accumulated for other purposes.

Whether the IRS is applying the AET with the intention of collecting it or whether the imposition of the AET is used as a bargaining chip to resolve other issues, the effect is the same—unnecessary and harmful interference in decisions that are best left to the corporation. We need to free corporate directors from the prospect of the AET and encourage companies to make capital investments in order to grow and compete in the future. This Congress, at the very least, should not be discouraging corporations from retaining capital for investment purposes.

This legislation has received hearings by the Ways and Means Subcommittee on Select Revenue Measures, and it is my hope to offer this legislation as an amendment to appropriate legislation in the Ways and Means Committee in the 102d Congress. I believe this legislation makes sense and hope my colleagues can lend their support.

STUDENT LOAN DEFERMENT LEGISLATION

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PENNY. Mr. Speaker, I have today introduced legislation to permit the deferral of payments on federally-insured student loans during professional internships and residencies, regardless of duration. I first introduced this bill during the 101st Congress and it was cosponsored by over 100 of our colleagues.

This legislation is necessitated by changes made last year as part of the Omnibus Budget Reconciliation Act of 1989 (P.L. 101–239) in the deferment provisions of title IV of the Higher Education Act. That legislation prohibits medical residents from being classified as students for the purpose of deferment of their loan repayment. As of January 1, 1990, medical residents and other students engaged in professional internships or residencies will be eligible for deferment of Stafford, SLS, and Perkins loans for a period of only 2 years. While a mandated forbearance provision was agreed to in the Reconciliation Act that will allow a borrower the privilege of delaying repayment and capitalizing the added interest costs, medical internships and residencies can typically last for 3 to 7 years. Under current law, once a borrower has exhausted his or her deferment and forbearance, repayment must begin. On a modest stipend, the average doctor in training cannot afford a loan payment of $600 or more per month.

The growing debt burden of professional students, particularly medical doctors, has reached unprecedented levels. Eighty-one percent of 1989 graduates of medical school were indebted; the average debt of these graduates amounted to $42,374; 29 percent of this graduating class had debts in excess of $50,000. Ninety-five percent of 1989 graduates of osteopathic medical schools were indebted; the average debt of these graduates was approximately $67,000; 64 percent of the 1989 graduating class had debts in excess of $50,000 and 20 percent had debts exceeding $100,000. Finally, 89 percent of 1989 graduates of dental schools were indebted; the average debt of these graduates was $43,300; 32 percent of this graduating class had debts in excess of $50,000.

Furthermore, the educational indebtedness levels of underrepresented minority graduates are even greater than they are among indebted graduates as a whole. The average debt of 1988 underrepresented minority medical school graduates was $44,897—$6,408 above the mean for all indebted graduates that year.

This legislation I offer today will insure that a borrower can defer repayment for the duration of the internship/residency training period. Without this grant of deferment, I fear many medical students will opt for specialties with short residency periods or forgo additional training. This view is shared by the American Medical Association, the Association of American Medical Colleges, and numerous other medical and professional organizations all of whom endorse this bill. I have also received letters of endorsement from hundreds of medical and professional students from around the nation.

Representing a rural area I am concerned that many medical students who might otherwise relocate to rural America will instead opt for higher paying residencies in urban areas unless the current limited deferment period is extended. Many small cities across the country cannot even attract a single doctor. Many rural hospitals cannot find physicians in certain specialties. Unless we change current law, an already significant rural health crisis care will be exacerbated.

Mr. Speaker, this legislation is modest and needed. I urge you and my other colleagues to study the bill, which is reprinted below, and to join me as a sponsor.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the interest subsidy provided borrowers of title IV loans during periods of internship or residency is critical to the borrower's ability to complete his or her educational program;

(2) a number of professional degree programs have an essential postgraduate training component that can last from one to seven or more years;

(3) health professions programs, in particular, require periods of postgraduate training for reasons relating to qualification to practice, licensure, specialty certification, or access to hospital privileges;

(4) the educational indebtedness of graduates of professional degree programs has reached unprecedented levels;

(5) the educational indebtedness levels of underrepresented minority graduates are even greater than they are among indebted graduates as a whole;

(6) given the level of financial support provided to borrowers in postgraduate training programs (primarily through stipends), debt levels such as these can make loan repayment obligations extremely difficult to meet;

(7) growing debt burdens may discourage pursuit of advanced training, adversely affect career choice, create financial barriers to practicing in remote locations, and exacerbate minority underrepresentation in certain professions; and

(8) many health professional graduates who are committed to caring for underserved community find this career path infeasible in light of their enormous debt burdens and the inability to defer their loan payments throughout the period of residency training.

(b) PURPOSE.—It is the purpose of this Act—

(1) to permit the deferral of payments on student loans throughout the duration of post-graduate internships and residency programs; and

(2) to ensure that loan repayment obligations are not acting as a disincentive to advanced training and adversely affecting career choice and service to the poor and underserved by temporarily alleviating loan repayment requirements for borrowers serving in internship and residency programs.

SEC. 2. AMENDMENTS.

(a) GSL PROGRAM.—Section 428(b)(1)(M)(vii) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)(vii)) is amended by striking "not in excess of two years".

(b) FISL PROGRAM.—Section 427(a)(2)(C)(vii) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)(vii)) is amended by striking "not in excess of two years".

(c) NDSL PROGRAM.—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended by striking out the following: "The period during which repayment may be deferred by reason of clause (vi) shall not exceed 2 years.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 1 of this Act shall apply on or after the date of enactment of this Act with respect to loans made under the Higher Education Act of 1965 before, on, or after that date.

LEGISLATION TO RESTORE SOCIAL SECURITY BENEFITS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, in 1981, the President and the Congress broke a long standing contract with the American people. In the wake of a tax bonanza for the wealthy and an unprecedented, destabilizing military buildup, Social Security benefits were reduced and in many instances eliminated. Through this action, the Reagan administration and its supporters in Congress exhibited a complete disregard for the well-being of our Nation's elderly, the disabled and their families, and the widowed and orphaned.

It is time to redress the damage wrought upon this Nation's Social Security Program. Today, I am reintroducing legislation to restore three of the most important benefits that were cut in 1981. Specifically, these bills would restore student benefits, restore parents' benefits for those caring for children under 18 years of age, and restore the lump-sum death benefit for all beneficiaries.

Before 1981, the Social Security student benefit compensated dependent students attending college or vocational school for loss of income due to the death, retirement, or disability of their parents. This important benefit helped to equalize educational opportunities for those students who could not rely on their parents during those critical few years. Workers who earned this insurance recognized and appreciated its value in safeguarding the educational and employment future of their children.

Following the 1981 cuts, these benefits were progressively phased out until 1985, when they were completely eliminated. The elimination of the student benefit has inflicted incalculable hardships on those students who are least able to overcome them. Prior to the enacted cuts, approximately 800,000 student beneficiaries received an average of $3,000 per year in benefits. The cuts have imperiled the opportunity for these children to advance and to succeed in adulthood by impeding, and in some cases destroying, their ability to pursue higher education.

The second bill I am reintroducing would restore benefits paid either to a mother or a father caring for an entitled child up to age 18.

As a result of the 1981 Reconciliation Act, this important benefit only applies through a child's 16th birthday. It is no secret that most children between the ages of 16 and 18 are completing their high school education and depend on their parents to support them. In light of this fact, it is difficult to fathom the Reagan administration's rationale for slashing away at this program.

This cut is but another example of the whittling away of Social Security's protection for families of disabled, retired, or deceased workers raising dependent children. I call upon my colleagues to reassert the priorities which existed before the 1981 cuts and support my effort to reinstate this critical benefit.

The third, and final bill I am reintroducing would restore the lump-sum death benefit in all cases. Following the 1981 cuts, this $225 benefit was restricted to death cases where there is a surviving spouse or dependent child. This benefit is no longer payable to other family members such as a sister, aunt, grandparent, or independent child, who may very well be the ones who assume responsibility for burial expenses. Estimates made when this cut was first enacted suggest that as many as 4.8 million people have been denied benefits as a result of this change.

The lump-sum death benefit is a small, but integral, part of the Social Security Program. Implemented in 1935, it has helped to ease the burden of the high costs of funerals, and has given peace of mind to the older Americans who view this sum as critical to financing a dignified burial. This cut was a shameful way to penalize workers and their families. Full funding for the lump-sum death benefit should be promptly restored.

The Social Security system does not survive on the tax receipts of American workers alone. It also relies on the continuing support and confidence of workers and their families. By drastically cutting benefits against the public will, the previous administration and its supporters eroded public trust in the Social Security system and in the Government as well. We can not continue to gamble with the hopes and aspirations of millions of Americans. It is essential for the sake of these people and for the sake of the Social Security system as a whole that we act immediately.

Mr. Speaker, it is never too late to correct grave mistakes. I urge my colleagues to join with me to restore these Social Security benefits to the people who earned them and are entitled to them.

The bills follow:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(d) of the Social Security Act is amended, in paragraphs (1)(B), (1)(E)(ii), (1)(F)(i), (1)(G)(ii), (6)(D)(i), (6)(E)(i), (7)(A) (in four places), (7)(B), and (7)(D), by striking out "full-time elementary or secondary school student" each place it appears and inserting in lieu thereof "full-time student".

(b)(1) Section 202(d) of such Act is further amended, in paragraphs (7)(A) (in two places), (7)(B) (in three places), and (7)(D), by striking out "elementary or secondary school" each place it appears and inserting in lieu thereof "educational institution".

(2) Section 202(d)(7)(A) of such Act is further amended by striking out "schools involved" and inserting in lieu thereof "institutions involved".

(c) Subparagraph (C) of section 202(d)(7) of such Act is amended to read as follows:

"(C) An 'educational institution' is (i) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof, or (ii) a school or college or university which has been approved by a State or accredited by a State-recognized or nationally recognized accrediting agency or body, or (iii) a non-accredited school or college or university whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.".

(d) Section 202(d)(7)(D) of such Act is further amended by striking out "diploma or equivalent certificate from a secondary school (as defined in subparagraph (C)(i))" and inserting in lieu thereof "degree from a four-year college or university".

(e)(1) Section 202(d) of such Act is further amended, in paragraphs (1)(B)(i), (1)(F)(ii), (1)(G)(iii), (6)(D)(ii), (6)(E)(ii), and (7)(D), by striking out "19" each place it appears in each of those paragraphs and inserting in lieu thereof "22".

(2) Section 202(d)(6)(A) of such Act is amended to read as follows:

"(A)(i) is a full-time student or is under a disability (as defined in section 223(d)), and (ii) has not attained the age of 22, or".

SEC. 2. The amendments made by the first section of this Act shall apply to child's insurance benefits under section 202(d) of the Social Security Act for months ending on or after the date of the enactment of this Act.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

ThisAct may be cited as the "Social Security Children's Benefits Act of 1991".

SEC. 2. RESTORATION FROM AGE 16 TO AGE 18 THE AGE OF A CHILD AT WHICH CERTAIN BENEFITS ARE TERMINATED.

(a) IN GENERAL.—Section 202(s)(1) of the Social Security Act is amended by striking out "the age of 16" and inserting in lieu thereof "the age of 18".

(b) CONFORMING AMENDMENT.—The heading of section 202(s) of such Act is amended by striking out "Over Specified Age" and inserting in lieu thereof "Aged 18 or Over".

SEC. 3. EFFECTIVE DATE.

The amendments made by the first section of this Act shall apply with respect to benefits for months after the month in which this Act is enacted.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Lump-Sum Death Benefits Act of 1991".

SEC. 2. RESTORATION OF 1981 PROVISIONS FOR DETERMINING ORDER OF PAYMENT OF LUMP-SUM DEATH BENEFITS.

(a) IN GENERAL.—Section 202(i) of the Social Security Act is amended—

(1) in the second sentence, by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) if all or part of the burial expenses of such insured individual which are incurred by or through a funeral home or funeral homes remains unpaid, to such funeral home or funeral homes to the extent of such unpaid expenses; but only if (A) any person who assumed the responsibility for the payment of all or any part of such burial expenses files an application, prior to the expiration of 2 years after the date of death of such insured individual, requesting that such payment be made to such funeral home or funeral homes, or (B) at least 90 days have elapsed after the date of death of such insured individual and prior to the expiration of such 90 days no person has assumed responsibility for the payment of any such burial expenses;

"(2) if all of the burial expenses of such insured individual which were incurred by or through a funeral home or funeral homes have been paid (including payments made under paragraph (1)), to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid such burial expenses;

"(3) if the body of such insured individual is not available for burial but expenses were incurred with respect to such individual in connection with a memorial service, a memorial marker, a site for the marker, or any other item of a kind for which expenses are customarily incurred in connection with a death and such expenses have been paid, to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid such expenses; or

"(4) if any part of the amount payable under this subsection remains after payments have been made pursuant to paragraphs (1), (2), and (3), to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid other expenses in connection with the burial of such insured individual, in the following order of priority: (A) expenses of opening and closing the grave of such insured individual, (B) expenses of providing the burial plot of such insured individual, and (C) any remaining expenses in connection with the burial of such insured individual."; and

"(2) in the third sentence, by inserting after "No payment" the following: "(except a payment authorized pursuant to paragraph (1)(A) of the preceding sentence)".

(b) CONFORMING AMENDMENTS.—Section 216 of such Act is amended—

(1) in subsection (c), by striking out "(except when used in the first sentence of section 202(i))" and inserting in lieu thereof "(except when used in section 202(i))"; and

(2) in subsection (g), by striking out "(except when used in the first sentence of section 202(i))" and inserting in lieu thereof "(except when used in section 202(i))".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to deaths occurring after the month in which this Act is enacted.

INTRODUCTION OF A BILL TO PROVIDE TAX AND OTHER INCENTIVES FOR ENTERPRISE ZONES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RANGEL. Mr. Speaker, today I introduce legislation to provide tax and other incentives for Enterprise Zones. In the past

Congress I introduced similar Enterprise Zones legislation. Two hundred and nineteen of my colleagues joined me in cosponsoring the legislation. Hearings on the matter were held before the Committee on Ways and Means. The President included the concept in his budget for fiscal year 1991. Enterprise Zones were seriously considered during the budget summit. Legislation was drafted and introduced to match the resources available for the program. Unfortunately, the press of the budget crisis prevented us from enacting this important advance in economic development incentives.

Two important bills were introduced to advance the discussion Enterprise Zones. One bill was introduced by the Mr. ROSTENKOWSKI, chairman of the Committee on Ways and Means. I introduced a second bill on behalf of the Secretary of Housing and Urban Development, the spiritual father of Enterprise Zones, Jack Kemp. These bills follow slightly different paths to achieve the same goal, economic development. I am convinced that from these two views we can develop effective Enterprise Zones legislation. I will again introduce the proposals of Secretary Kemp. It is my understanding that the distinguished chairman of the Ways and Means Committee will again introduce his bill. When he does I intend to be a cosponsor.

I fully expect that the President will again support the concept of Enterprise Zones and will include a proposal in his budget message. Likewise, I believe that the chairman of the Committee on Ways and Means will maintain his support for this innovation in economic development. I see merit in both approaches. I believe that my colleagues ought to review both bills and support either one or the other or even both. If there is the support for the concept, and I believe there is as evidenced by the large number of cosponsors last Congress, then I am sure as we will be able to craft legislation that will reflect the program Congress believes best able to meet its goals and within the fiscal constraints we now operate.

As the Nation slips into a recession the need for stimuli for economic development is greater than ever. This is especially true in communities bypassed during the 1980's. Enterprise Zones represent a different approach to economic development. Like programs of the past, it depends upon an initial financial input by the Government. But, it departs from traditional approaches by putting as much of the decisionmaking on which projects and businesses are assisted upon those in the community willing to take the risks. In short, it shifts power to the community away from the bureaucrats.

The Enterprise Zones legislation recognizes that the most difficult hurdles to clear in beginning a new business are capital and cash flow. Both bills provide incentives for investment in small businesses from outside sources. They both provide tax credits for wages paid to employees in the zones.

Enterprise Zones must represent a partnership between the Federal Government and State and local government. Enterprise Zones will not succeed unless there is this partnership. We have already seen this partnership work with the low income housing tax credit. By itself the credit would not have succeeded. But, with the support of the State and local governments thousands of apartments have been provided to low and moderate income families across the Nation. With Enterprise Zones this same partnership can mean new jobs for thousands across the Nation revitalized communities.

The time has come for Enterprise Zones. I urge my colleagues to support these two bills offering programs for economic development for the future.

PHILIPPINE COMMONWEALTH ARMY VETERANS BENEFITS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation amending title 38, United States Code, to provide that persons considered to be Commonwealth Army veterans by reason of service with the Armed Forces during World War II in the Philippines shall be eligible for full veterans' benefits from the Department of Veterans Affairs.

On July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippines Independence Act of 1934, calling members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East, under the command of Lt. Gen. Douglas MacArthur.

For almost 4 years, over 100,000 Filipinos fought alongside the Allies, in reclaiming the Philippine Islands from Japan.

In return, Congress enacted the Rescission Act of 1946, which limited the benefits received for service-connected disabilities and death compensation, denying members of the Philippine Commonwealth Army from being recognized as United States veterans.

Mr. Speaker, I would like to take this opportunity to commend the gentlemen from California [Mr. CAMPBELL and Mr. DYMALLY], as well as the gentleman from Hawaii [Mr. INOUYE], for their hard work toward the passage of the Immigration Act for 1990, which included a provision that will provide for the naturalization of Filipinos who served on active-duty service in the Armed Forces of the United States during World War II.

Additionally, on May 12, 1989, the U.S. District Court for the District of Columbia announced in the Quiban versus Veterans Administration case that limiting the veterans benefits received by veterans of the Philippine Army and their spouses is unconstitutional. The court stated that once the Philippine Army was called into service by President Roosevelt, they became members of the Armed Forces of the United States, serving on the same terms as other members of the United States Armed Forces.

Mr. Speaker, although Congress has begun to take the necessary steps to give the Philippine World War II veterans the recognition they so justly deserve, there is much more to be done to correct this injustice. For years veterans have been struggling for recognition and benefits they deserve. To all my colleagues that share my concern that Philippine World War II veterans deserve to be recognized as United States veterans, I urge you to cosponsor this measure.

I insert at this point in the RECORD the full text of my bill for review by my colleagues.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(2) of title 38, United States Code, is amended by adding at the end the following new sentence: "Such term includes a person who is a Commonwealth Army veteran within the meaning of section 635(1) of this title.".

THE WOMEN'S BUSINESS EQUITY ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CONTE. Mr. Speaker, I rise to reintroduce the Women's Business Equity Act, a bill which provides commonsense solutions to the multitude of problems facing women business enterprises trying to do business with the Federal Government. This bill provides for permanent women's business enterprise advocacy and will greatly facilitate women's business contracting actions.

Essentially, this bill amends the Small Business Act to do the following:

First, make permanent the Office of Women Business Enterprise at the SBA;

Second, create a preemptive and uniform certification process to be used by all Federal agencies in identifying women-owned businesses for Federal contracting opportunities; and

Third, include women business enterprises in Federal procurement through prime and subcontract goal setting. This bill would further require all agencies to include at least one bid from a women business enterprise for all small purchase orders under $25,000.

A major concern of women business enterprises is that the certification process used to identify women business enterprises is exceedingly costly and cumbersome. It has frequently been more of a barrier than a pathway to participation. Certification generally includes a lengthy application and 3 years of back records and the cost can range upwards of $5,000 per application. This is a monumental waste of time and money and it is my hope through this bill to devise a more equitable certification process.

The Women's Business Equity Act would also establish a definition of a women business enterprise as one that is 51 percent owned and operated by one or more women. This is essentially the same definition used to determine economically and socially disadvantaged businesses. However, in the case of women business enterprises, the community property laws of any jurisdiction shall not apply. This provision is needed in the 13 States whose laws affect property acquired by a husband and wife through joint effort. Use of communal funds in those States is often grounds for denial of certification—even if the

woman owns all the stock and controls the business operations.

Women now own about 30 percent of all businesses in the United States. By the year 2000 it could be 50 percent. Unfortunately, many barriers lie in the way of women owned businesses and their quest for equality and equity in our economy. Women owned businesses are an important segment of our economy and need uninhibited access to Federal contracting opportunities. The Women's Business Equity Act will help provide access to those opportunities. I ask all my colleagues to join with me, JOE MCDADE, IKE SKELTON and ANDY IRELAND and cosponsor the Women's Business Equity Act and support fairness for women in Federal contracting.

THE TENANT PROTECTION ACT OF 1991

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ENGEL. Mr. Speaker, today I am re-introducing the Tenant Protection Act, a bill to protect law abiding tenants from eviction by the Resolution Trust Corporation.

As you may be aware, the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA] created the Resolution Trust Corporation [RTC] to close insolvent savings and loans and to manage properties previously held by insolvent institutions. The RTC has interpreted FIRREA to allow the agency to cancel all contracts, including residential leases, even if the tenants are paying rent and abiding by State law.

In performing these evictions, the RTC would be overriding existing State and local laws designed to maintain affordable housing and protect tenants from wrongful evictions.

The RTC is currently planning to cancel existing leases in New York City in order to sell the apartments as co-ops or condominiums. While this situation is currently known to be occurring in New York, it could happen in any State or locality with laws to protect the rights of tenants.

I think that the RTC practices to evict long-standing, law-abiding, rent-paying citizens are wrong and should be stopped.

At the end of the 101st Congress, I introduced H.R. 5940, a bill designed to help protect tenants from eviction by the RTC. Specifically, my bill would prevent the RTC from canceling people's leases by removing the agency's right to override State or local tenant protection laws.

Mr. Speaker, I suspect that this problem is not isolated to New York. I believe this legislation will correct this horrible problem. I look forward to working with my colleagues to see that this situation is rectified.

TRIBUTE TO DANIEL J. KELLEY

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HERTEL. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Daniel J. Kelley, an exemplary individual whose dedication to community service and whose willingness to help those less fortunate than he is unparalleled.

After graduating from Saint Francis De Sales High School in 1945, Dan joined the carpenters apprenticeship program; but, he took time off from this program to serve his country in the Navy. Then, after 1½ years in the Navy, he returned to the apprenticeship program. He graduated in 1949 and since that time he has worked in various capacities. He was elected as business agent for old local No. 19 in 1965 and he has also held the positions of president and council delegate to the District Council, the Building Trades, and also the State Carpenter's Council, In addition, he was piledriver at large for the jurisdictional area. After leaving local No. 19, Dan went to work for the Carpenters District Council as a business agent. In 1985, Dan was elected to the position of secretary-treasurer/business manager of the Carpenters District Council of Detroit and Southeastern Michigan. When his term was up, Dan ran for re-election in 1988 and won! His current tenure will run until September 1992.

But, what sets Dan apart from others is the charitable work that he contributes to his community. Two specific instances come to mind. For the last 4 years, he has taken Thanksgiving and Christmas care baskets and gifts to the needy. He also does carpentry work for the local church. He even helped to put a new roof on the church. In addition, he has been a member of the Usher Club of Saint Eugene's Parish and the Dad's Club of Saint Francis De Sales for a number of years. Dan always helps out when needed. During a big football game between the Boys Bowl and Brother Rice, Dan was approached by the Dad's Club to run the concession stand. Well, Dan, never being able to say no agreed to help out for part of the game. All he was to sell were hot dogs, you know the ones that are already in the bun and in the foil bag. What could go wrong . . . This particular day was freezing outside, and people were lined up for anything to keep them warm. Dan is serving the hot dogs—no problem until a man who had just purchased one returns with a problem. He said the hot dog was ice cold. Dan looked at him and realized that the hot dogs were frozen and had not been in the roaster long enough to thaw out. But, Dan was not going to tell this man their error. Dan's comment to the gentleman was, "Sir, it's freezing cold out here, no wonder your hot dogs are cold—I guess you are going to have to eat the next one faster!"

Dan and Barbara Conrady were married 39½ years ago on June 9, 1951. They have 9 children and 12 grandchildren. Dan has three brothers: Councilman Jack Kelley, Frank Kelley, and Doctor Paul Kelley and one sister, Sister Mary Camille of the order of Our Sisters of Mercy.

Dan Kelley has been a great friend to many. He is always available to help wherever and whenever he can, so my dear colleagues, I ask that you join me in honoring Mr. Daniel Kelley for his dedicated community spirit.

TRIBUTE TO HARRY LEECH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a celebrated individual, Mr. Harry Leech of Mount Clemens, MI. Mr. Leech is being recognized as a Distinguished Citizen by the Clinton Valley Council Boy Scouts of America.

Mr. Leech is a lifetime resident of Macomb County and has made an impact in many areas of our community. He has been very active in the Boy Scouts throughout his life. It could be said of Mr. Leech that he literally grew up with scouting. This award is the culmination of many years of dedication to scouting.

Just as important as Mr. Leech's distinguished career in scouting is his commitment to our community. He has invested a tremendous amount of time and energy toward the youth of Macomb County. He has served on the L'Anse Creuse Board of Education and he has participated in summer enrichment programs at the YMCA.

His additional community involvement has earned him numerous accolades. It then comes as no surprise that such an eminent individual has been chosen as a Distinguished Citizen by the Clinton Valley Council Boy Scouts of America.

I commend Mr. Leech on his exceptional community involvement. He will long be remembered as a true friend of Mount Clemens.

SALUTE TO ANN ROCK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GALLEGLY. Mr. Speaker, I would like to bring to my colleagues attention the many accomplishments of Ann Rock, who left office recently after 8 successful years on the Simi Valley City Council.

Ann has devoted two decades to community issues, as both a citizen activist and as a council member. And as someone who served on the city council with her for 4 years, I have always been impressed by her ability to use the skills she learned as a chemical engineer to examine an issue from all sides before making a decision based on facts, not emotion.

That's why when it came time last year to appoint a local representative to the panel overseeing the cleanup of a Department of Energy testing facility in my district, I immediately turned to Ann. In that capacity, as the

others she has served in, she has done an outstanding job.

Ann has been involved in so many issues that it's hard to select highlights, but her passion for the environment has always been a top priority. She has volunteered her time and talents to help resolve many environmental and waste issues, and I'm sure will continue to be involved in many more such issues in the future.

Mr. Speaker, I ask my colleagues to join me in recognizing Ann Rock's many accomplishments. She has truly been successful in making Simi Valley a better place to live.

COMPREHENSIVE, UNIVERSAL HEALTH CARE: THE LASTING SOLUTION

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Ms. OAKAR. Mr. Speaker, over the last decade, health care delivery problems have arisen as perhaps the most important domestic issue. A disturbing set of trends indicates that our health care system is on the verge of collapse: Almost 37 million Americans have no health insurance and millions more have inadequate coverage; an increasing number of citizens are being denied private health insurance due to preexisting health care problems; small businesses are being squeezed out of health insurance plans by premiums which rise beyond their control; the percentage of gross domestic product consumed by health care expenditures has escalated over the last 15 years from 8.4 percent to approximately 12 percent—a 43-percent increase, and; the number of older and disabled Americans needing long-term care has continued to increase. All of these trends point to an impending health care disaster.

In response to our worsening health care problems, and as a product of my experience as a member of the Pepper Commission, I am reintroducing legislation to permanently and comprehensively solve our health care problems. The bill offers:

First, comprehensive, State government-administered acute and primary care benefits for all citizens;

Second, comprehensive long-term care—home care, 6 months of front-end nursing home care, et cetera—for people of all ages who experience difficulty performing activities of daily living, and;

Third, a heavy emphasis on prevention—prenatal care, well-child care, mammograms, pap smears, colon-rectal and prostrate cancer screening exams, increased scientific research to prevent long-term care diseases, et cetera—as a means of avoiding painful health problems and containing costs.

The system I have proposed is an Americanized version of the popular Canadian Health Care Program. Acute care, long-term care and preventive care will be administered by State governments. The States must also provide a significant portion of the funds for the new system. In addition, States will be responsible for soliciting one or more health delivery proposals from private insurers, hospitals, HMO's, PPO's or any other group wishing to participate, thereby assuring continued delivery competition and consumer choice. Great care has been taken to ensure maximum flexibility for States to implement systems which meet their particular health care needs.

The Federal Government will provide a portion of the financing and oversight of State health delivery budgets and systems. Strict Federal standards regarding the basic benefits package, quality of care, adequate funding, and cost containment provisions are built into the system. This kind of health delivery system is extremely popular in Canada and I am convinced it will become as popular in the United States. In fact, a recent poll has shown that 67 percent of Americans support national health insurance.

Mr. Speaker, no proposal for solving the Nation's health care crisis can succeed unless it directly attacks the root of the problem—costs which rise two to three times faster than the rate of inflation. Cost containment in my proposal takes several forms: State governments must submit State health care budgets to a Federal oversight agency which will inspect them to ensure quality of care, adequacy of financing, and cost containment provisions; State approval of global hospital budgets; State negotiations for fair and adequate provider reimbursement; streamlining of claims processing, and; prevention in the form of acute care prevention benefits, State-based education programs designed to avoid unhealthy lifestyles, and greatly increased scientific research into prevention of aging diseases which cause the most chronic and expensive forms of illnesses.

These are tough cost containment measures designed to actually reduce our current health care expenditures. In 1990, the United States will spend approximately $661 billion and 12 percent of our GDP on health care, yet we do not have a long-term care insurance system in place and 37 million Americans have no acute care health insurance. In contrast, Canadians will spend only 8.5 percent of their GDP on health care and they offer acute care and long-term care insurance to all citizens. If we can reduce our level of spending to the same level as Canada, we will save almost $200 billion per year.

These savings should be spent on other problems which limit our international economic competitiveness such as deficient education, inadequate scientific research and development for new products and processes, environmental clean-up, and housing for the needy. To continue to allow health-related expenses to consume such a large and increasing portion of our economic output will dramatically worsen our international competitiveness.

Finally, Mr. Speaker, when its cost containment provisions take full effect, my plan will offer expanded health care services, including long-term care and prevention benefits, for the same amount of money—or less—than we are currently spending. The history of our current system has been one of increasing exclusion from services, wildly escalating costs and greater pain for people. It's time to summon our collective courage and repair America's health care system once and for all.

REPEAL OF SOCIAL SECURITY EARNINGS TEST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation which eliminates the earnings test for Social Security beneficiaries over the age of 65, as well as raises the cap on outside earnings for those Social Security beneficiaries between the ages of 62 and 65.

Under current law, Social Security beneficiaries under the age of 70 who are employed or self-employed receive their full benefits unless their earnings exceed the annual earnings limitation. My bill eliminates the earnings test for senior citizens over the age of 65, and raises the present limitation on exempt income from $7,080 to $9,315 for senior citizens between the ages of 62 and 65.

Currently senior citizens over the age of 65 lose $1 for every $3 which they earn over the income cap. While this is an improvement over the previous 1:2 reduction—a reduction that those seniors under the age of 65 are still subject—the reduction translates into a draconian tax rate of 33 percent for our Nation's seniors. A tax rate that is not affordable by most seniors.

Take for example a senior over the age 65 earning a modest amount just over the earnings cap is subject to the earnings test 33 percent marginal tax. When the income and Social Security taxes that seniors pay are added, the total tax bill can reach 60 percent of a senior's earnings.

The Social Security earnings test originated with the creation of the Social Security system in 1935. One purpose was to remove older workers from the labor force in order to create jobs for the young. However, in today's labor situation, seniors are able to meet the increasing demand for service-oriented workers, and most importantly, they enjoy working. By allowing seniors to return to the work force they will provide many benefits to our Nation, such as increased tax revenues, as well as alleviating the depression and loneliness that often accompanies the later years in an individual's life.

Senior citizens make up approximately 34.9 million of the population, and this number is growing steadily. Our Nation's seniors are skilled, knowledgeable, reliable, and eager to work.

Mr. Speaker, I urge all my colleagues to take this opportunity to help our Nation's seniors by reforming the earnings test.

I insert at this point in the RECORD the full text of my bill for review, and I invite my colleagues to cosponsor this vital measure.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Earnings Test Amendments of 1991."

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) IN GENERAL.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(1))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(1))";

(3) in subsection (f)(3), by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "(retirement age (as defined in section 216(1))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "(retirement age (as defined in section 216(1))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(1))".

(b) CONFORMING AMENDMENTS.—

(1) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C 403) is amended—

(A) in the last sentence of subsection (c), by striking "Nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(2) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of such Act (42 U.S.C 402(w)(2)(B)(ii)) is amended—

(A) by striking "either"; and

(B) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

SEC. 3. INCREASE IN EXEMPT AMOUNT UNDER EARNINGS TEST FOR BENEFICIARIES UNDER RETIREMENT AGE.

(a) IN GENERAL.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is amended to read as follows:

"(D)(i) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual shall be $776.25 for each month of the individual's taxable year ending after 1991 and before 1993.

"(ii) For purposes of subparagraph (B)(ii)(II), the increase in the exempt amount provided under clause (i) shall be deemed to have resulted from a determination which shall be deemed to have been made under subparagraph (A) in 1991.".

(b) CONFORMING AMENDMENTS.—

(1) Section 203(f) of such Act (42 U.S.C. 403(f)) is further amended—

(A) in paragraphs (1), (3), and (4)(B), by striking "the applicable exempt amount" and inserting "the exempt amount";

(B) in paragraph (8)(A), by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be effective"; and

(C) in paragraph (8)(B)—

(i) by striking "the exempt amount" and all that follows through "whichever" in the matter preceding clause (i) and inserting "the exempt amount for each month of a particular taxable year shall be whichever";

(ii) by striking "corresponding" in clause (i); and

(iii) by striking "an exempt amount" in the last sentence and inserting "the exempt amount".

(2) Section 203(h)(1)(A) of such Act (42 U.S.C. 403(h)(1)(A)) is amended by striking "the applicable exempt amount" and inserting "the exempt amount".

(3) Section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking "which is applicable to individuals described in subparagraph (D) thereof" and inserting "which would be applicable to individuals described in subparagraph (D) thereof as in effect on December 31, 1990, but for the amendments made by the Social Security Earnings Test Amendments of 1991".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1991.

TRIBUTE TO JACK KEMP

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. COUGHLIN. Mr. Speaker, as the ranking Republican on the House Select Narcotics Committee, I believe a critical objective of our war against drugs must be eliminating drug abuse and drug-related crime and violence from public housing. This country is fortunate to have Jack Kemp, the Secretary of Housing and Urban Development, leading this fight. In spite of his many other responsibilities, including cleaning up the HUD scandal, Jack Kemp has made the drug war a top priority.

On May 10, 1989, in cooperation with President Bush and the Office of the National Drug Control Policy, Kemp announced a 10-point plan for HUD antidrug initiatives based on the responses and recommendations from public housing authorities around the Nation. The plan included the following: First, asking U.S. attorneys to seize apartments of drug dealers and users and return them to legitimate law abiding tenants; second, reclaiming vacant units for legitimate purposes and denying drug dealers access to such units; third, creating an antidrug hotline at HUD for residents to report drug-related criminal activity in confidence; fourth, using Comprehensive Improvement Assistance Program [CIAP] funds to assure decent drug-free public housing for America's low-income families; and fifth, using HUD money to support boys and girls clubs to set up athletic programs in public housing. This program was met with extensive public approval and HUD is working to establish additional appropriations for this initiative.

Furthermore, a new clearinghouse was proposed to help housing officials, residents and community leaders to achieve drug-free housing. People may call to receive information and assistance on prevention and enforcement from local agencies. Thus, tested strategies are made available to all people concerned with public housing and the war on drugs.

Additional resources are being provided to effectively attack the scourge of drugs in public housing. Recently, $97.4 million was made available by HUD for the Public Housing Drug Elimination Program. This is a dramatic increase from $8.2 million in the first round of the program.

As HUD Secretary, Kemp must address many of today's most pressing problems including homelessness, poverty, and drugs. He has proposed programs in all of these areas, which indirectly impact on the drug problem. One of the most promising programs, now working its way through Congress, is HOPE [Home Ownership and Opportunity for People Everywhere].

In March 1989, Kemp announced a decision to waive the lengthy Federal eviction process in public housing agencies in Virginia. This waiver significantly reduces the time it takes to oust drug traffickers from housing by at least 6 months. Three months later HUD agreed to exempt public housing projects in Washington, DC from the Federal eviction processes, thereby hastening disciplinary action. Since then, Kemp expanded the waivers to interested jurisdictions across the Nation. These decisions have been met by favorable response especially among the law-abiding citizens of public housing

Jack Kemp deserves to be recognized for his distinguished service as HUD Secretary. Secretary Kemp has innovatively approached the many-fold problems of housing. His relentless efforts are testimony to his understanding and respect for the American people. Secretary Kemp has repeatedly demonstrated his heartfelt belief that Americans, even poor Americans, have a right to live in decent housing, safe from the blight of drug-related crime and violence.

PUBLIC HEALTH EMERGENCY FUND

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WEISS. Mr. Speaker, many American communities from coast to coast have at one time or another been struck by public health emergencies. The most obvious such emergency is the AIDS epidemic which is decimating the economic, medical, and human resources of many U.S. cities. But public health care systems have also been faced with Legionnaire's disease, toxic shock syndrome, and other illnesses—and the plague of drug addiction certainly could qualify as a major public health emergency.

When an American community suffers the ravages of an earthquake, hurricane, or flood, a variety of Federal assistance programs are available to States and localities to help them protect public health and rebuild property. We

do not expect State or local governments to shoulder this financial burden alone.

I believe that the same logic should apply when public health emergencies, such as those mentioned above, arise. State and local governments cannot anticipate these sudden crises when formulating their budgets. Hospitals and health departments may be unable to mobilize adequate resources expeditiously during an emergency. Sufficient funding for facilities, personnel, and equipment may simply not be available.

A mechanism that permits the Federal Government to assist these jurisdictions, as needed, is essential. In a public health crisis, compassion and understanding are just not enough.

Mr. Speaker, the bill I am reintroducing today would establish a $200 million revolving fund for treatment, and prevention services in response to a public health emergency. The funds would be provided, on an emergency basis only, through grants and contracts to State and local governments in areas particularly hard hit by a health crisis. Those governing bodies would have the option of providing services directly, or contracting out to institutions such as hospitals, clinics, hospices, and community-based organizations.

This legislation amends the Public Health Emergency Act, enacted during the 98th Congress, which provides emergency funds solely for research into the cause, treatment and prevention of health crises. The fund that I am proposing would complement this act by providing resources for actual treatment and prevention activities.

Mr. Speaker, the best example of the need for this fund is the most recent example. AIDS has hit certain cities across the country particularly hard. These cities include New York; San Francisco; Miami; Los Angeles; Newark; Houston; Washington, DC; and Chicago. In most cases, the local governments are doing the best they can to respond with treatment and prevention efforts, but they are drawing on already scarce resources. The public hospitals, for example, already suffering from inadequate resources, are overwhelmed.

Title I of the recently enacted Ryan White Comprehensive AIDS Resources Emergency Act [CARE] establishes a grant program to provide emergency assistance to cities with the highest numbers of AIDS cases. This excellent legislation was sorely needed, however, it is limited specifically to the AIDS epidemic, and cannot be used to fund other health emergencies should they arise. Furthermore, funds appropriated for the CARE programs are limited. The program authorized by my bill could be used to supplement CARE funds.

This legislation will not cover the enormous expenses associated with an epidemic as costly as AIDS. However, had there been a public health emergency fund when AIDS was first identified as an infectious disease spreading rapidly among vulnerable Americans, it would have provided the early assistance for prevention that may have helped to keep the disease from spreading as rapidly as it has. Without outside help, local efforts can be expected to focus on only the most immediate needs, and in the case of AIDS this was all too often at the expense of prevention strategies.

Mr. Speaker, an alarming and ever-increasing number of Americans are suffering from a frightening disease that no one anticipated. Who knows when an outbreak of a new epidemic will occur. Let us be prepared to help cities and States fight it wherever and whenever it arises. It is imperative that the Congress communicate to State and local public health officials—and to the American people—that next time they need not face the struggle alone.

I strongly urge my colleagues to join me in cosponsoring this important legislation. The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDS FOR THE PREVENTION AND TREATMENT OF PUBLIC HEALTH EMERGENCIES.

(a) IN GENERAL.—Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

"(c)(1) The Secretary, acting through the Director of the Centers for Disease Control, may make grants to and enter into contracts with States and political subdivisions of States for programs conducted or supported by the States and political subdivisions for the prevention and treatment of public health emergencies determined under subsection (a) to exist. Funds provided under grants and contracts under this paragraph may be used by States and political subdivisions to conduct such programs and to provide grants and contracts for public and nonprofit private entities to conduct such programs. Applications for grants and contracts from the Secretary shall be subject to such conditions as the Secretary may by regulation prescribe.

"(2) There is established in the Treasury a fund designated the 'Public Health Emergency Prevention and Treatment Fund' to be available to the Secretary without fiscal year limitation to carry out paragraph (1). There is authorized to be appropriated to the fund $200,000,000 for fiscal year 1991. For fiscal year 1992 and each fiscal year thereafter there is authorized to be appropriated to the fund such sums as may be necessary to have $200,000,000 in the fund at the beginning of such fiscal year.

"(3) The Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than ninety days after the end of a fiscal year—

"(A) on the expenditures made from the Public Health Emergency Prevention and Treatment Fund in such fiscal year; and

"(B) describing each public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which were conducted or supported by expenditures from the Fund.".

(b) CONFORMING AMENDMENT.—Paragraphs (1) and (2)(A) of section 319(b) of such Act are amended by striking "Fund" and inserting "Research Fund".

INTRODUCTION OF A BILL TO AMEND THE INTERNAL REVENUE CODE TO STRENGTHEN THE RULES PROHIBITING DISCRIMINATION IN SOCIAL CLUBS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RANGEL. Mr. Speaker, today I am introducing a bill to amend the Internal Revenue Code to strengthen the code's provisions designed to deny tax advantages to private clubs that discriminate.

The unfortunate circumstances surrounding this past summer's Professional Golfers' Association Championship at a country club with an admitted practice and policy of racial discrimination raised important questions about the tax treatment of private clubs. When I read of the situation in Birmingham I was very disappointed that we still must face these indignities in today's society. Knowing that private clubs still enjoy certain tax benefits I was certain that Congress would agree that tax preferences should not be available in connection with activities at private clubs that discriminate on the basis of race, color, religion or sex.

To put an end to these abused preferences I introduced legislation in the 101st Congress and am today introducing legislation to address the issue. This bill would deny deductions for dues to clubs that have been found to have a pattern or practice to discriminate on the basis of race, color, religion, or sex even where the primary purpose of the membership is business. It would also withdraw the favorable tax deduction treatment for tickets to sporting events benefiting charities at clubs that similarly discriminate. Finally, it would expand the provision in the code section governing nonprofits that denies the benefits of being a nonprofit where the organization has a written policy to discriminate on the basis of race, color, or religion to discrimination on the basis of sex.

I should note that the Professional Golfers' Association Tour responded quickly and appropriately to the incidents last summer. The PGA Tour announced that they would no longer hold events at clubs that maintained a pattern or practice of racial, religious, or sexual discrimination. The PGA Tour recognized that these practices have no place in American society.

Generally, as long as we allow business deductions for entertainment expenses in connection with business we should have no objection to the deduction of dues for private clubs used by the taxpayer for legitimate business purposes. Likewise, we should support preferential treatment for tickets to charity sports events. However, the average American taxpayer should not be subsidizing clubs that have a pattern or practice of racial, religious, or sexual discrimination.

PREPAYMENT OF DEATH BENEFITS BILL

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. KENNELLY. Mr. Speaker, I believe we can enact improvements in our health care system this year despite the deficit and a pay-as-you-go budget. I am referring to legislation I am reintroducing today which has the potential to make the lives of terminally ill patients significantly easier.

This legislation would allow individuals who are certified by a physician to have a terminal illness or injury which can reasonably be expected to result in death within 12 months, to receive the proceeds of their life insurance contracts on a tax free basis.

I believe that access to these assets will make the lives of the terminally ill significantly easier with little cost to the Federal Government.

Under current law, life insurance proceeds payable on death are generally tax free. This legislation, therefore, should have only a minor revenue impact in that the only change would be one of timing—tax free receipt of life insurance proceeds 1 year earlier than otherwise would be the case.

In addition, access to these assets is critical to those many terminally ill individuals, who have no health insurance. To the extent that these individuals tap their life insurance policies to pay their final health care costs, Federal dollars will be saved.

FACT SHEET—KENNELLY PREPAYMENT OF DEATH BENEFIT LEGISLATION;102D CONGRESS

Individuals who are certified by a physician to have a terminal illness or injury which can reasonably be expected to result in death within 12 months, can elect to receive the proceeds of their life insurance contracts on a tax free basis.

The physician doing the certifying must be licensed under state law.

Favorable tax treatment applies to both riders and new policies.

The cost of a prepayment option under a life insurance contract is not treated as a "qualified additional benefit". (QAB)

Under no circumstances may the living benefit exceed the death benefit.

Existing federal tax law allows death benefits to be used for any purpose. The bill does not propose to alter current law.

In general, state law provides that except in the case of an irrevocable beneficiary designation, consent of the beneficiary is not required to alter or surrender the policy as insurance contracts are written pursuant to the state contract law and generally the policyholder legally owns the policy and has the legal right to alter the beneficiary until death. The beneficiary has no legal right to the benefit until death. The bill does not propose to alter or pre-empt current state law.

In the event of a fraudulent physician's certification, current law provides for prosecution under normal criminal fraud statutes. The bill does not propose to alter current law.

In general, current state law allows insurance companies to pay death benefits in a lump sum or on a periodic basis. The bill does not propose to pre-empt or alter current state law.

Should the question arise, current Federal tax law provides that cash value comes out of the policy first. The bill does not propose to alter current law.

Current Federal tax law provides that to the extent there is a sale of a life insurance policy to a third party, there is a taxable event to the extent the policy proceeds received by the third party upon the death of the insured exceed the price the third party paid the insured for the policy. The bill does not propose to alter current law.

INTRODUCTION OF WETLANDS PROTECTION AND REGULATORY REFORM ACT OF 1991

HON. JOHN PAUL HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HAMMERSCHMIDT. Mr. Speaker, today I'm introducing the Wetlands Protection and Regulatory Reform Act of 1991. This comprehensive legislation revises the Clean Water Act's controversial section 404 wetlands permitting program. It offers a more balanced approach to identifying and regulating true wetlands, achieving a no overall net loss of wetlands goal, providing greater deference to State and local decisionmakers, and affording greater protections to private property owners. In addition, it would prohibit the Corps of Engineers from implementing major increases in the fees for their regulatory program.

This bill is in direct response to over 2 years of extensive hearings by the Public Works and Transportation Committee and countless government reports. I think it embodies the growing public sentiment that the Nation's wetland laws need serious revision. This is particularly true for farmers and other private property owners, as well as local elected officials who are often prevented from pursuing important public works because of conflicting or intrusive regulations.

My bill, however, does not limit itself to providing regulatory relief for farmers and other members of rural communities. It reflects the views of those who value wetlands but recognize not all wetlands are created equally. The legislation should also appeal to those who believe Federal regulators need to provide a more predictable, streamlined permitting process that respects private property rights and avoids unnecessary intrusions into land use and other matters involving State and local decisionmaking.

In addition, my bill sends the clear signal that increased education and incentives for private stewardship are preferable to heavy-handed regulations or counterproductive finger pointing at particular groups.

Mr. Speaker, I urge my colleagues to support this legislation and to get involved in the ongoing wetlands policy debate. As recognized recently by William Reilly, the administrator of EPA, wetlands protection and regulatory reform should be one of the Nation's environmental priorities this year and next.

With enough support from my colleagues, I hope to move this bill, or at least the concepts embodied in it, as part of the upcoming debate on clean water act reauthorization or possibly as separate legislation. Either way, the need for wetlands protection and regulatory reform is too great to settle for continuing the status quo.

The time and action is now. We simply cannot tolerate another 2 years of the same stagnant regulatory program. In some cases, "the bureaucratic tail may be wagging the congressional dog." My bill will help to provide the needed congressional guidance to get the section 404 Program back on track and on the path toward a reasonable goal of no overall net loss.

Admittedly, this bill represents one of several attempts to address a complicated and certainly controversial issue. It is not perfect legislation; nor will it solve every single problem with the section 404 Program. But it represents a good start. Perhaps most importantly, my bill will help to continue the dialogue and promote some of the consensus recommendations by those who want a stronger, fairer, and more effective wetlands protection program.

The bill is similar in many respects to H.R. 5968, the Wetlands Conservation and Management Act of 1990, introduced last session by Representatives HAYES, RIDGE, THOMAS, TAUZIN, and others. I applaud the efforts of the Sunbelt Caucus and others instrumental in developing H.R. 5968. Their legislation, like my bill, signals a growing consensus among public and private entities that Congress needs to revise the Section 404 Program if it is serious about protecting wetlands and property rights and promoting better government.

For all these reasons, Mr. Speaker, I urge my colleagues to support the Wetlands Protection and Regulatory Reform Act of 1991.

Attached is a summary of the bill's major themes.

HIGHLIGHTS OF THE WETLANDS PROTECTION AND REGULATORY REFORM ACT OF 1991

1. Establishes in the Clean Water Act a "no overall net loss" goal and a differential protection policy (i.e. "no net loss" of quality wetlands with a mitigation policy tied to the value of the wetlands destroyed).

2. Defines "wetlands" in the Clean Water Act. Provides a clear definition of the term along the lines of the wetlands delineation manual with modifications to exclude prior converted cropland and land which is saturated for less than 21 days during the growing season.

3. Consolidates program authorities within the Corps of Engineers while providing for significant involvement by the Environmental Protection Agency.

4. Prohibits implementation of the proposed increase in fees charged by the Corps in connection with the administration of their regulatory program.

5. Encourages mitigation practices and policies, including increased use of mitigation banks.

6. Establishes permitting procedures and protections such as time lines for permit decisions, requirements to consider economic, social and other matters in the public interest, and an administrative appeals procedure.

7. Clarifies and broadens existing agricultural exemptions ("normal farming" and drainage ditch maintenance) under section 404(f)(1) and limits the application of the section 404(f)(2) "recapture" provisions; also provides an exemption for state-approved abandoned mine reclamation projects.

8. Requires a formal rulemaking for developing changes to the wetlands delineation manual, mitigation policies, and EPA guidelines.

9. Expands Corps enforcement authority to bring suit for unpermitted discharges.

10. Establishes a new program in the Clean Water Act to help states develop wetlands conservation plans that can then expedite delegation of permitting authority to states.

11. Provides more streamlined and comprehensive state delegation authority for states that have developed wetlands protection plans and provides for state implementation grants.

12. Encourages greater protections for private property owners by emphasizing broader use of regulatory takings impact analyses under Executive Order 12630.

13. Authorizes expanded wetlands research and demonstration programs, including programs for artificial wetlands creation or wetlands restoration.

14. Requires improved wetlands identification and public notification procedures.

15. Requires a Federal study (with input from affected agencies and interest groups) of economic incentives to discourage unwanted development and promote improved stewardship of privately-owned wetlands.

NATIONAL GUARD ALIEN ENLISTMENT ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to a bill I have introduced today.

This measure is the result of a careful evaluation and revision of prior legislative initiatives introduced during the 101st Congress. This legislation would grant lawful residence status of certain aliens enlisting in the U.S. Armed Forces.

This bill is intended to alleviate the critical manpower shortage currently facing several national guard and reserve units throughout our Nation. On September 21, 1989, an earlier version of this measure was the subject of hearings before the House Judiciary Subcommittee on Immigration, Refugees, and International Law.

In response to comments from the Department of Defense, the Department of State, and the Immigration and Naturalization Service, I revised the original legislation to narrow its focus and making it more responsive to the bill's original intent.

H.R. 5458, introduced during the second session of the 101st Congress, was the result of those revisions. H.R. 5458, identical to the measure I have introduced today, is virtually indistinguishable from the previous measure with three important exceptions:

First, the Alien Enlistment Program would be authorized for a limited period of 3 years, and the Secretary of Defense will report to the Congress on the success of the program at the close of the 3-year program.

Second, a limit of six States with a personnel strength of less than 95 percent, instead of 90 percent, of the authorized strength of that State's National Guard as of September 30, 1990, would be eligible.

Third, finally, the new legislation would allow 1,000 aliens, rather than 3,000, to enlist in the National Guard each year in those eligible States.

With the crisis in the Persian Gulf and with an uncertain future, our Nation cannot afford to continue with an understrength National Guard.

Mr. Speaker, I insert the full text of the bill at this point in the CONGRESSIONAL RECORD, and I invite my colleagues to cosponsor this measure.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ACCEPT ENLISTMENTS IN THE NATIONAL GUARD FROM CERTAIN ALIENS.

Section 302 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(d)(1)(A) Under regulations to be prescribed by the Secretary concerned, an original enlistment in the Army National Guard or Air National Guard of a designated State may be accepted during the three-year test period (as defined in paragraph (8)) from a person who is not a citizen of the United States and who is otherwise described in paragraph (2) if the actual total personnel strength of the Army National Guard and Air National Guard of that designated State, at the time of such enlistment, is less than the baseline strength for that designated State.

"(B) For purposes of this subsection, the term 'designated State' means a State or Territory, Puerto Rico, or the District of Columbia that is designated by the Secretary of Defense, acting through the Chief of the National Guard Bureau, for the purposes of this subsection. The Secretary of Defense shall make six such designations.

"(C) For purposes of this subsection, the term 'baseline strength', with respect to a designated State, means 95 percent of the total authorized strength of the Army National Guard and Air National Guard of that designated State as prescribed by Federal law or regulation for September 30, 1990.

"(2) A person referred to in paragraph (1) is a person who is otherwise qualified for an original enlistment in the National Guard and who as of the date of the enactment of this subsection—

"(A) is not admitted to the United States for permanent residence; and

"(B) is present (whether or not lawfully) in the United States (including any commonwealth, territory, or possession of the United States).

"(3)(A) A person may not be enlisted under this subsection unless the person, in addition to taking the oath prescribed under section 304 of this title, declares an intention to become a citizen of the United States.

"(B) The enlistment of a person under this subsection shall be void if—

"(i) the person does not apply for adjustment of status under section 245B of the Immigration and Nationality Act within 90 days after the date of such enlistment, or

"(ii) the Attorney General determines that the person, having applied for such adjustment of status, is not eligible for such adjustment of status.

"(4) The number of persons enlisted under this subsection in the National Guard of a designated State may not exceed 1,000 during any fiscal year. The Governor (or, in the case of the District of Columbia, the commanding general) shall determine the apportionment of enlistments under this subsection between the Army National Guard and the Air National Guard, except that at least two-thirds of such enlistments shall be in the Army National Guard.

"(5) The term of an enlistment under this subsection may not be less than six years.

"(6) If, within 60 days after the beginning of war or of a national emergency declared by Congress, the number specified in paragraph (4) is not increased by law, the President may increase such number as the President considers appropriate. Any such increase may remain in effect for the duration of the war or national emergency.

"(7) In the case of an alien enlisted under this subsection who is released or discharged from service under any condition other than honorable, the adjutant general for the National Guard from which the alien was released or discharged shall notify the Attorney General of such release or discharge within 90 days after the date of the release or discharge.

"(8) For purposes of this subsection, the three-year test period is the three fiscal-year period beginning on the first October 1 after the date of the enactment of this subsection.

"(9) At the end of each fiscal year during the three-year test period, the Chief of the National Guard Bureau shall submit to the Secretary of Defense a report describing the operation of this subsection during that fiscal year. At the end of such three-year test period, the Secretary of Defense shall submit a report to Congress on the operation of this subsection. That report shall include the Secretary's evaluation of success of the enlistment program under this subsection and the desirability of continuing the program.".

SEC. 2. ADJUSTMENT OF STATUS OF ALIEN ENLISTED MEMBERS AND THEIR FAMILIES.

(a) PROVIDING FOR LEGALIZATION.—Chapter 5 of title II of the Immigration and Nationality Act is amended by inserting after section 245A (8 U.S.C. 1255a) the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN ALIENS ENLISTED IN THE NATIONAL GUARD

"SEC. 245B. (a) TEMPORARY RESIDENT STATUS.—

"(1) PRINCIPAL ALIEN.—The Attorney General, in consultation with the Secretary concerned (as defined in section 101(8) of title 10, United States Code) or the appropriate chief executive officer of the pertinent State, territory, or possession, shall adjust the status of an alien to an alien lawfully admitted for temporary residence if the alien applies to the Attorney General for such adjustment of status and, in the application, establishes the following:

"(A) The alien is accepted for enlistment and is enlisted in the Army National Guard or Air National Guard pursuant to section 302(d) of title 32, United States Code.

"(B) The alien is admissible to the United States as an immigrant, except as provided under subsection (c)(2).

"(C) The alien has not been convicted of any felony or 3 or more misdemeanors committed in the United States.

"(D) The alien has not assisted in the persecution of any person or persons on account of race, religion, nationality, or membership in a particular social group.

"(E) The alien was in the United States as of the date of the enactment of this section and has resided continuously in the United States since such date.

"(2) SPOUSE AND MINOR CHILDREN.—The Attorney General shall adjust the status of an alien to an alien lawfully admitted for temporary residence, if the alien applies to the Attorney General for such status and establishes, in the application, the following:

"(A) The alien is the spouse or child of an alien lawfully admitted for temporary residence under paragraph (1).

"(B) The alien is admissible to the United States as an immigrant, except as provided under subsection (c)(2).

"(C) The alien has not been convicted of any felony or 3 or more misdemeanors committed in the United States.

"(D) The alien has not assisted in the persecution of any person or persons on account of race, religion, nationality, or membership in a particular social group.

"(E) The alien was in the United States as of the date of the application of the principal alien under paragraph (1) and has resided in the United States continuously since such date.

"(3) TERMINATION OF STATUS.—The Attorney General shall provide for termination of temporary resident status granted to an alien under this subsection if—

"(A) it appears to the Attorney General that the alien was in fact not eligible for such status,

"(B) the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(2), or (ii) is convicted of any felony or 3 or more misdemeanors committed in the United States, or

"(C) the alien described in paragraph (1)(A) was released or discharged from service described in such paragraph under any condition other than honorable.

"(4) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—The provisions of section 245A(b)(3) shall apply to an alien granted lawful temporary resident status under this subsection in the same manner as such provisions apply to an alien granted lawful temporary resident status under section 245A(a).

"(5) CONFIDENTIALITY.—The provisions of paragraphs (5), (6), and (7) of section 245A(b) shall apply to applications under this subsection in the same manner as they apply to applications under section 245A.

"(b) ADJUSTMENT TO PERMANENT RESIDENCE.—

"(1) CERTIFICATION OF SERVICE.—An alien described in subsection (a)(1) may apply to the Secretary concerned or to the chief executive officer referred to subsection (a)(1)(A) for a certification that the alien (A) has at least 6 years of honorable service in the Army National Guard or Air National Guard and (B) was not released or discharged from such service under any condition other than honorable. If such an application is granted, the Secretary or officer shall issue such certification.

"(2) ADJUSTMENT OF STATUS OF PRINCIPAL ALIEN.—The Attorney General shall adjust the status of any alien provided lawful temporary status under subsection (a)(1) to that of an alien lawfully admitted for permanent residence if the alien applies to the Attorney General for such adjustment and establishes, in the application, the following:

"(A) Subject to paragraph (4), there has been a certification made with respect to the alien under paragraph (1).

"(B) The alien is admissible as an immigrant, except as provided under subsection (c)(2).

"(3) ADJUSTMENT OF STATUS OF SPOUSE AND CHILDREN.—The Attorney General shall adjust the status of any alien provided lawful temporary status under subsection (a)(2) to that of an alien lawfully admitted for permanent residence if the alien applies to the Attorney General for such adjustment and establishes, in the application, the following:

"(A) Subject to paragraph (4), there has been a certification made with respect to the alien's spouse or parent under paragraph (1).

"(B) The alien is admissible as an immigrant, except as provided under subsection (c)(2).

"(4) WAIVER OF SERVICE REQUIREMENT.—Upon the petition of the Secretary concerned or the chief executive officer, the Attorney General shall waive the certification requirement of—

"(A) paragraphs (2)(A) and (3)(A) for any alien if the alien was wounded in action or held in captive status (as defined under section 559 of title 37, United States Code), or

"(B) paragraph (3)(A), if the alien's spouse or parent was killed in action or otherwise died while in the line of duty.

"(c) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

"(1) WAIVER OF NUMERICAL LIMITATIONS.—The numerical limitations of sections 201 and 202 shall not apply with respect to aliens covered under this section.

"(2) ADMISSIBILITY DETERMINATIONS.—The provisions of section 245A(d)(2) shall apply to determinations of admissibility under this section in the same manner as they apply to determinations of admissibility under section 245A.

"(d) TEMPORARY DISQUALIFICATION FROM CERTAIN PUBLIC WELFARE ASSISTANCE.—The provisions of section 245A(h) shall apply to aliens granted lawful temporary resident status under this section in the same manner as such provisions apply to aliens granted lawful temporary resident status under section 245A(a), except that any reference to a 'five-year period' shall be considered to be a reference to a 'two-year period'.

"(e) EXPEDITED NATURALIZATION.—In the case of an alien who is granted lawful permanent residence under subsection (b) and who re-enlists in the Army National Guard or the Air National Guard for an additional term of 6 years, there shall be counted toward the period of physical presence and residence required for naturalization under section 316(a), the period of physical presence and residence while the alien was in lawful temporary resident status under subsection (a).".

"(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 245A the following new item:

"Sec. 245B. Adjustment of status of certain aliens enlisted in the National Guard.".

JUDGE JOE BILLY McDADE RECEIVES BRADLEY UNIVERSITY DISTINGUISHED ALUMNUS AWARD FOR 1990

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. MICHEL. Mr. Speaker, on October 17, 1990, Judge Joe Billy McDade received the Bradley University Distinguished Alumni Award for 1990. I would very much enjoy telling our colleagues why he deserves the award. But after seeing the text of his acceptance speech, I think it would be better expressed through his own eloquent words.

With the help of family, friends, and my alma mater Bradley University, Judge McDade has achieved great things. His achievements bring great honor to all of us associated with Bradley University. At this point, I wish to insert in the RECORD the remarks of Judge McDade from the Founder's Day ceremonies at Bradley University on October 17, 1990, as reprinted in Hilltopics, Bradley University, December 1990.

I am profoundly honored and grateful to the National Alumni Association and Bradley University for my selection as the Distinguished Alumnus for 1990. It would not be false modesty to acknowledge the highly competive nature of this award and the high caliber of all the nominees.

I am aware that to be considered as a candidate, "a person must exemplify the qualities of irreproachable character and outstanding citizenship" and should be one whose achievements have "resulted in a 'change for the better' in significant situations, institutions, movements or fields of endeavor, and whose achievements bring the greatest honor to Bradley University."

I must confess a small qualm that there are many others equally deserving of this award; but frankly, it is a small qualm which doesn't bother me too much. I suspect there are few others who have come so far from so little and have had Bradley University play such an important role in shaping their character and citizenship.

When I left the cotton fields of Raccoon Bend, Texas, in 1955, I had a good base but one which could have easily eroded without the right teachings. Bradley and its people, its administration and faculty, and many friends of Bradley provided the support and guidance I needed to stay on track.

I look back on my life, and I have achieved far beyond my wildest dreams. Providence has been good to me. Many of you know my story. My mother died when I was one and my father when I was ten. My grandmother raised my sister and me as a day worker. During the summer months, I would join her in the cotton field picking cotton.

I like to brag about the fact that when I was 12 years old, I was picking over 200 pounds of cotton a day. That is a man's measure of picking cotton. I didn't like the work, but something inside of me simply required me to do my best and to be the best cotton picker.

I used to sit atop the smoke house in the evenings daydreaming about what the future held for me beyond the cotton fields. Please believe me, it never crossed my mind that I would reach such high estate that a great university would honor me with its highest alumni award.

This is one of the proudest days of my life. Those persons who knew me during my Bradley days and who have followed my career over the past 35 years must share in the honor and joy of this occasion. To name a few, people like Margaret and Jim Sutherland, Kathryn and John Timmes, Jeanne and Grant St. Julian, Chet and Pat Zebell, Kal and Pat Goldberg, Lois and LeRoy Swanson, Chuck "Ozzie" Orsborn, and many more have all helped me along the way with their love, support, and friendship. There are many stories to tell of their involvement in my life.

Bradley has meant so much in my life. In large measure, I can trace back to Bradley

and those tumultuous years many of the values and qualities of character I present to the world today. When I came here in 1955 as a youth of 17, I was searching for identity and a purpose. I found both.

I learned that you have to do your best the first time since you may not have a second chance. Bob Lowder taught me that when I had not studied for a test and asked him to let me retake it. He asked what made me think I would do better the second time. I said I would study harder. He said, "You should have done that the first time."

I learned that you can't expect favors in life but must earn what you get and should get what you earn. Kal Goldberg taught me that by not letting his fondness for me influence the integrity of his grades. A couple of times he managed to keep me from getting straight A's.

I learned compassion from Ozzie, who did not say one bad word to me about the foul called on me away from the ball in the loss to St. Louis in 1957, which gave Bob Ferry two free throws with no time left on the clock and Bradley leading by one point. Ferry sank both free throws. We lost the game and fell out of a first-place tie with Cincinnati for the conference championship. That's the year we went on to win the NIT.

I learned that you must live by your principles. Chet and Pat Zebell taught me that. My junior year, I was having trouble finding a place to stay off campus. Chet and Pat opened their home to me, and I lived there for two years.

I learned that one should always pursue excellence in everything one does. And most of all, I learned that a life worth living is not dependent upon your standard of living but upon the values you live by.

I believe that all of us have a yearning, a desire to be good and to do good, to care for something beyond ourselves and our appetites. Brian Griffin speaks of "the ineluctable incandescence of the human spirit." He calls it "the mystery * * * the desire to be good." It is, he says, "the secret knowledge that only by being good can we become joyful."

I further believe that an important mission of a great university is to unlock this potential. Rightly or wrongly, I recall fondly my Bradley days when within the academic community, the ancient standards of lawfulness, civility, morality, truthfulness, rational debate, and respect for an opposing viewpoint still carried authority and provided unity and amity within the educational enterprise. These teachings were not lost on me.

Things have changed much since my college days, Bradley included. But more than most institutions, Bradley has retained these ideals and is still producing the kind of man and woman who would do Lydia Bradley proud. And I am proud to be included in that number.

DEPARTMENT OF DEFENSE GUIDANCE FOR IMPLEMENTATION OF PRESIDENT'S NATIONAL DRUG CONTROL STRATEGY

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. COUGHLIN. Mr. Speaker, I would like to put on official record an important part of the Department of Defense's Guidance for Implementation the President's National Drug Control Strategy as it was issued by Secretary Cheney on September 18, 1990.

According to the DOD implementation guidelines,

The supply of illicit drugs to the United States from abroad, the associated violence and international instability, and the use of illegal drugs within the country pose a direct threat to the sovereignty and security of the country.

I wholeheartedly agree with the Secretary's remarks about drugs being a national security threat. That is why I introduced H.R. 5301, the "Airborne Drug Trafficking Deterrence Act," which would provide the Coast Guard with DOD's assistance, limited authority to use force against drug trafficking planes.

Secretary Cheney highlighted the three objectives to DOD's counternarcotics program: First, to stop drugs at their source by providing logistical and reconnaissance support; second, to attack drugs in the United States by having the military assist law enforcement agencies with training, planning, and command and control of counternarcotics missions; and third, to combat drugs in transit giving a high priority to eliminating drugs entering the United States via the Caribbean Sea and the United States southern border. According to Secretary Cheney,

The Department of Defense will proceed with planning to deploy a substantial Caribbean Counternarcotics Task Force, with appropriate air and maritime drug interdiction assets and aerial and maritime detection and monitoring assets to combat the flow of illegal drugs from Latin America through the Caribbean Sea.

I believe that my legislation is fully consistent with the Defense Department's drug strategy. It is time we recognize that drugs are a national security problem and provide our armed services the limited authority they need to deter drug trafficking. The Coast Guard, as both a law enforcement and a military agency charged with protecting the national security of this Nation, is the right agency for the job. We must take a more effective approach to help end this terrible scourge that plagues our country.

My proposal is fundamentally different from earlier proposals to provide authority for the use of force. First, my bill starts with the belief that air interdiction operations, run outside the boundaries of the United States, can be a military action. Second, my bill contains airtight safeguards to prevent the destruction of an innocent, private aircraft.

Current trafficking patterns suggest that the number of suspicious aircraft tracked in the Caribbean will be greater in 1990 than in any previous year. Recently, the Subcommittee on Coast Guard and Navigation held a hearing on H.R. 5301 reflecting the urgency of this issue.

Presently, many drug traffickers fly to a preset drop site, dip to 500 feet, and then drop drugs to friends waiting below, never landing in the United States. The smugglers rarely land with U.S. jurisdiction making it virtually impossible for the Coast Guard to take action. Our agencies have an enormous capability to monitor this activity, but little ability to do anything about it.

Pilots flying planes carrying drugs are part of huge organizations that pose a threat to the United States comparable to that we have encountered in the past from hostile nation States. These smuggling pilots should be treated in a manner similar to international terrorists. As with terrorism, the existence of statutes outlawing drug smuggling should not preclude our military agencies from using force as a deterrent in appropriate situations.

I encourage the Department of Defense to take a more careful look at the possible use of force against airborne drug traffickers, by any method of their choosing, because I believe this issue should be a national security concern. But if it is the official position of every agency of the Federal Government, including the Department of Defense, that drug trafficking, even outside our borders, is exclusively a law enforcement problem, then large expenditures by the national security community on such a problem would seem unjustified. As a member of Committee on Appropriations, I anxiously await DOD's budget request for 1992 as it applies to their counternarcotics programs. If the administration believes airborne drug traffickers are strickly a law enforcement problem, it would seem logical that law enforcement agencies should get the lion's share of the counternarcotics resources for countering such air traffic.

THE SECRETARY OF DEFENSE,
Washington, DC, September 18, 1989.

DEPARTMENT OF DEFENSE GUIDANCE FOR IMPLEMENTATION OF THE PRESIDENT'S NATIONAL DRUG CONTROL STRATEGY

On September 5, 1989, the President issued the National Drug Control Strategy pursuant to the Anti-Drug Abuse Act of 1988. The President's strategy provides for an integrated program of counternarcotics actions designed to move the country substantially close to the goal of a drug-free America. This guidance is designed to assist in the swift and effective implementation of the President's strategy within the Department of Defense.

The supply of illicit drugs to the United States from abroad, the associated violence and international instability, and the use of illegal drugs within the country pose a direct threat to the sovereignty and security of the country. The threat of illicit drugs strikes at the heart of the Nation's values. It inflicts increased crime and violence on our society and attacks the well-being and productivity of our citizenry. One of the principal foreign policy objectives of this Administration is to reduce, and if possible to eliminate, the flow of illegal narcotic substances to the United States. Also, the Congress has by statute assigned to the Department the duty to serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs to the United States. For these reasons, the detection and countering of the production, trafficking and use of illegal drugs is a high priority national security mission of the Department of Defense.

The Nation ultimately will be rid of the scourge of illegal drugs only through the sustained application of the energy, courage and determination of the American people. As the President's Strategy reflects, the Nation must seek to eliminate both the demand and the supply for illegal drugs, for the Nation will conquer neither if the other is left unchecked.

The Department of Defense, with the Department of State and U.S. law enforcement agencies, will help lead the attack on the supply of illegal drugs from abroad under the

President's Strategy. The efforts of the Department of Defense will complement those of other U.S. agencies and cooperating foreign countries. The Department of Defense will work to advance substantially the national objective of reducing the flow of illegal drugs into the United States through the effective application of available resources consistent with our national values and legal framework.

An effective attack on the flow of illegal drugs depends upon action at every phase of the flow: (1) in the countries that are the sources of the drugs, (2) in transit from the source countries to the United States, and (3) in distribution in the United States. The United States Armed Forces can assist in the attack on the supply of drugs in each of these phases.

INTRODUCTION OF A BILL TO PERMANENTLY EXTEND SECTION 42 OF THE INTERNAL REVENUE CODE, THE LOW INCOME HOUSING TAX

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. RANGEL. Mr. Speaker, today I am introducing a bill to permanently extend section 42 of the Internal Revenue Code, the Low Income Housing Tax Credit.

There is no question that there continues to be a shortage of affordable housing for low and moderate income Americans. At the same time that there is an ever increasing shortage of low cost housing units. There has been an increase in the number of young and poor renters. The result is that large segments of the poor and working class continue to live in inadequate housing and pay large shares of their income in rent.

This gap in housing for the poor and working classes developed at the same time Federal assistance for housing was dropping. In the latter part of the 1970's, Federal housing assistance was provided on average to an additional 300,000 households per year. During the 1980's, that annual increase dropped by about 75 percent. Many of the programs originating in earlier decades designed to develop new and rehabilitated apartments were reduced in size or abandoned in the 1980's. In 1986, the Tax Reform Act eliminated many of the traditional tax incentives for rental housing including housing for low and moderate income tenants.

Congress recognized the gap in production of housing for low and moderate income tenants. In the Tax Reform Act, Congress created one of the few real estate tax shelters left; the Low Income Housing Tax Credit. The credit was given a 3-year life. In 1988, and again in 1989, recognizing the success of the credit, Congress extended the program 1 more year each time.

Unfortunately, the limitations of the budget debate last year meant that the credit could only be extended until December 31, 1991.

The program has been a tremendous success. Over 250,000 units of housing have been built with assistance of the credit. By 1989, nearly all the credits allocated to the States to allocate to developers were being used. In many States the demand for credit exceeds the supply.

There is no question the Federal Government must play a role in creating equity for housing development. The credit does just that. Developers secure capital for projects by selling interests in the project to investors. The investors receive the credit. The response in the investment community has been encouraging. Thousands of individuals and hundreds of major corporations have invested in the low income housing projects to secure the credit.

You know the credit is a success when you visit a project financed with it. The pride on the tenants' faces could convince anyone that this program has achieved its goals. I am certain that we cannot expect to maintain a productive society with healthy children who stay away from the temptations that come with despair such as drugs and crime unless we start with the home and the family. We cannot start with the home and the family unless we have a decent dwelling. That is why I am convinced the credit has been a success. I have seen it in the numbers and I have seen it in the faces of the tenants.

The credit has also fulfilled one of the original goals of its framers; to encourage additional government and private sector support for housing. It has successfully created a partnership with State and local governments and nonprofit groups who have supplemented the credit with additional assistance. States and local governments are providing subsidies, low interest loans, land, tax abatements among other forms of assistance. Nonprofits are organizing tenant and community groups to empower people on their way to providing housing for themselves and their neighbors.

In 1989 and 1990, Congress made several changes to the credit to make sure that there would be no repeat of the scandals that plagued housing assistance in the 1980's. Working with State and local government officials, Congress provided structure, planning and guidance for credit programs across the Nation. This was done with a minimum of Federal rules and with great latitude being given to the States to allow them to meet their housing needs as they see fit.

With authorization for the credit expiring at the end of this year, I am introducing this legislation to make the credit a permanent part of the Internal Revenue Code. When Congress passes provisions of the Tax Code on an experimental basis like the credit within some period of time the experience should make it clear if the legislation should be made permanent. The experience of the credit has made it clear that it should be made permanent.

HASSLING SENIORS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. STARK. Mr. Speaker, last fall, during the budget wars, one of my constituents received a letter from our former colleague Mark Siljander, lobbying for money to save Social Security.

Mark must be doing well with this mail order scam. He sent the letter certified mail—put about a $1.10 in postage on the letter. Well, my constituent wasn't home when it arrived so he got a note from the Postal Service that there was this important certified letter for him. I figure he spent about $3.52 worth of travel expense and gasoline to drive 8 miles down to the Post Office to see what this vital letter was.

Understandably, he was upset. I think Mark owes him at least $3.52 in expenses—plus some extra for aggravation.

I can't remember anything that Mark Siljander did while he was in Congress to help seniors or the Medicare Program. I do know that as Health Subcommittee chairman in the midst of last fall's battle over huge Medicare cuts, I never once heard from him or his organization.

Dear Former Colleague Siljander: Please quit trying to scare seniors into sending you money. Even more, please quit hassling them with certified letters.

Following is a justifiably angry letter from my constitutent which should serve as a warning to others.

DEAR MR. STARK: In one of your newsletters you requested letters be sent to you that requested donations to save Social Security.

Here is one that was sent certified mail.

We had just come in from New York and found these yellow slips from the post office telling us we had one day left to pick up a certified letter. My husband is a witness in a trial, so he thought the letter was related to that. So he drives 8 miles to the main post office only to find the letter enclosed. He was so angry, (and I don't blame him.) I hope you can put a stop to this. How are we to know if these letters are legitimate?

THE PERSIAN GULF CRISIS: A HUTTERIAN VIEWPOINT

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. McHUGH. Mr. Speaker, recently I visited with several members of the Hutterian Brethren, a respected Christian community dedicated to a peaceful way of life.

Dating back to 1533, the Hutterians have a long history of experiencing persecution for their beliefs, including hardships in and ultimately expulsion from Nazi Germany. In over 450 years, no active member of the Hutterian Brethren has ever taken part in war or military service of any kind. Thousands have been tortured and killed rather than violate their consciences. As a result of their beliefs, Hutterians are officially registered as conscientious objectors.

The Hutterians with whom I met had come to Washington to share their views on the crisis in the Persian Gulf. Mr. Speaker, I would like to place in the RECORD an open letter from one of the representatives of the Hutterian faith, an individual who saw extensive combat as a marine in Vietnam and who later joined the Brethren. In addition, I would like to insert an open letter to the leaders of the world from many different Hutterian con-

gregations throughout the United States and the world. Hopefully, these sincere and strongly-held views will strengthen our commitment to seek a peaceful outcome to the dangerous situation in the gulf.

AN OPEN LETTER TO THE LEADERS OF THE WORLD, NOVEMBER 18, 1990

An urgent appeal to the nations for peace, in the face of the massive military buildup in the Persian Gulf:

We are a simple people, not learned in the ways of international diplomacy or the methods of war. But we have known suffering. For over four hundred and sixty years we have called no nation or people our enemy. We have been persecuted, killed, exiled, and forced to flee from one country to another.

With God's help, giving our total allegiance to Jesus Christ, we witness that people can dwell together in peace. Coming from many nations, with some having formerly served as enemies in opposing armies, we share all things in common, living together as brothers and sisters.

We plead with you, our beloved leaders, to consider the incalculable suffering and loss of life which would result from an armed conflict in the Gulf. How can we justify such colossal anguish and such a massive allocation of the world's resources to war, at a time when the nations need to work together to confront the many desperate problems facing our world today?

We urge that all troops be withdrawn from this explosive confrontation and ask that all the resources at your disposal be committed to the search for a peaceful end to the tension there.

We pray for you in all the heavy responsibilities you carry and wish to express our deep gratitude to God for the reduction of tension brought about by the end of the Cold War hostilities. As we think of the birth of the Prince of Peace, we pray for peace in the Persian Gulf and around the globe.

We greet you in heartfelt love,

The Hutterian Brethren Church at:

Woodcrest, Rifton NY 12471 USA.

Pleasant View, Ulster Park NY 12487 USA.

Catskill, Platte Clove Rd., Elka Park NY 12427 USA.

New Meadow Run, Farmington PA 15437 USA.

Spring Valley, Farmington PA 15437 USA.

Deer Spring, Norfolk CT 06058 USA.

Oakwood, Rte 1, Box 138, Dexter MN 55926 USA

Starland, Rte 2, Box 133, Gibbon MN 55335 USA.

Crystal Spring, Ste. Agathe, Manitoba ROG 1YO Canada.

Darvell, Robertsbridge, East Sussex TN32 5DR England.

Michaelshof, Auf der Hoehe, W-5231 Birnbach Germany.

[This appeal, unanimously supported by the congregations listed above, has been sent to the leaders of the member nations of the United Nations Security Council, Iraq, Kuwait, Saudi Arabia, Iran, Jordan, Israel, Egypt, Syria, and the United States Congress, Secretary of State, and Secretary of Defense.]

HUTTERIAN BRETHREN
PLEASANT VIEW BRUDERHOF,
New York, NY, November 27, 1990.

An open letter to Vietnam veterans and their representatives. I appeal to you to speak out on behalf of a non-violent solution to the potential horror of war that looms over the Persian Gulf.

After years of post-war seeking for a true, meaningful life, my wife and I joined the mid-Hudson valley area Hutterian Brethren. Since 1981, our three children have grown up in an environment of finding loving, lasting solutions to their daily struggles. Learning these truths as adults, we are certain that a shared life of caring for our neighbor as we would for ourselves begins to answer the need of this world.

As a sergeant in the First Marine Reconnaissance Battalion, Da Nang, in 1968-69 I began to learn this the hard way. Like all of you, I bear "CO DAU DI BINH," the marks of the wounds.

While our children grow up with memories of love mixed with struggles for change toward what is right and lasting for their lives, we veterans cannot forget the many thousands of children with very different memories.

I survived and can forget the terror of the many mortar and rocket attacks, the ambushes, and near death bout with malaria.

The marks that remain forever are the rainy day farm field burials of poor North Carolina blacks. The rain soaked flags handed to inconsolable mothers as they stand fixed in the last planting time of that same field.

The marks that remain forever are the faces of the Vietnamese, especially of the children, the faces of the boys sent home to the VA stress units.

The marks that remain forever are of the tens of thousands of suicides, the imprisoned, and the homeless—harvests of the Vietnam war.

The marks that remain forever are endless. The refugees, the prostitution of children. It does not stop and will not stop unless we fight one more battle out of reverence and compassion for life.

I am going to Washington, D.C. November 27th to urge my Congressmen and Senators to resist another war: this is our chance to fight for an end to war.

There are over 125 names of mid-Hudson valley men etched in black granite. I hope to visit them, touch their names and cry.

I greet each of you in heartfelt hope and love,

RONALD C. LANDSEL.

EXCESS PROFITS TAX ACT OF 1991

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I rise today to introduce the Excess Profits Tax Act of 1991 and I invite my colleagues to back this measure.

During the past fall, we have seen the price of oil more than double ostensibly as a result of the Iraqi invasion and occupation of Kuwait. Fears of a shooting war breaking out in the Middle East have further destabilized the price of oil. Throughout this difficult time, the main beneficiary of the price increase and Persian Gulf crisis has been the oil industry. Oil producers have realized profits far in excess of those they had anticipated for this period, and realizing this, middlemen and retailers have raised the price of oil even further.

While those in the oil industry have seen their incomes jump in the last 2 months, our Nation's consumers and businesses have borne the brunt of these price increases at the pump. Lower- and middle-income families are especially hard hit by these high oil prices.

This excess profits measure would help to deter and redistribute the huge profits which oil companies are now realizing. Specifically, excess profits in the oil industry would be taxed at a rate of no more than 40 percent for a period of 3 years. At the same time, exploration and development of oil resources would be encouraged under the provisions of this bill.

Mr. Speaker, in these times of fear and uncertainty over the situation in the Persian Gulf, while our courageous Americans are stationed in the Saudi Arabian deserts and elsewhere to protect our interests, it is only right that those who reap undue profits from this crisis also contribute to the burdens borne by our Nation.

Mr. Speaker, I request that the full text of this legislation be inserted at this point in the RECORD:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subtitle A of the Internal Revenue Code of 1986 (relating to income taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 7—EXCESS PROFITS TAX

"Sec. 1571. Imposition of tax.
"Sec. 1572. Definitions.
"Sec. 1573. Adjustments to income for years in the emergency period.
"Sec. 1574. Excess profits deduction.
"Sec. 1575. Energy plowback deduction.

"SEC. 1571. IMPOSITION OF TAX.

"(a) GENERAL RULE.—In addition to the other taxes imposed by this subtitle, there is hereby imposed on the income of every corporation engaged in the production of petroleum and petroleum products for each taxable year which ends or begins during the emergency period, a tax equal to 40 percent of the excess profits taxable income for such taxable year.

"(b) TAXABLE YEARS PARTLY IN THE EMERGENCY PERIOD.—In the case of a taxable year which begins before the emergency period or ends after the emergency period, the tax imposed by subsection (a) shall be an amount equal to 40 percent of the excess profits taxable income for the taxable year multiplied by a fraction the numerator of which is the number of days within the emergency period and the denominator of which is the total number of days in the taxable year.

"SEC. 1572. DEFINITIONS.

"(a) EMERGENCY PERIOD.—For the purposes of this chapter, the term 'emergency period' means the 3-year period beginning on the date of the enactment of this chapter.

"(b) BASE PERIOD.—For the purposes of this chapter, the term 'base period' means the period beginning January 1, 1986, and ending on December 31, 1988.

"(c) PETROLEUM AND PETROLEUM PRODUCTS.—For the purposes of this chapter, the term 'petroleum and petroleum products' means any crude oil, gasoline, kerosene, fuel oil, or home heating oil extracted or produced by any corporation doing business in the United States.

"(d) EXCESS PROFITS TAXABLE INCOME.—For purposes of this chapter, the term 'excess profits taxable income' means taxable income for the taxable year (computed with the adjustments specified in section 1573) reduced by the sum of—

"(1) the excess profits deduction for the taxable year; plus

"(2) the energy plowback deduction for the taxable year.

"SEC. 1573. ADJUSTMENTS TO INCOME FOR YEARS IN THE EMERGENCY PERIOD.

"For the purposes of this chapter, in determining the taxable income of a corporation for a taxable year ending or beginning in the emergency period, the following adjustments shall be made:

"(1) DIVIDENDS RECEIVED.—The deduction for dividends received shall apply, without limitation, to all dividends on stock of all corporations, except that no deduction for dividends received shall be allowed with respect to dividends on stock of foreign personal holding companies or dividends on stock which is not a capital asset.

"(2) GAINS AND LOSSES FROM SALES OR EXCHANGES OF CAPITAL ASSETS.—There shall be excluded gains and losses from sales or exchanges of capital assets.

"(3) INCOME FROM RETIREMENT OR DISCHARGE OF BONDS, ETC.—There shall be excluded income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including in the case the issuance was at a premium, the amount includible in gross income for such year solely because of such retirement or discharge.

"(4) DEDUCTIONS ON ACCOUNT OF RETIREMENT OR DISCHARGE OF BONDS, ETC.—If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, the following deductions for such taxable year shall not be allowed:

"(A) the deduction allowable under section 162 for expenses paid or incurred in connection with such retirement or discharge;

"(B) the deduction for losses allowable by reason of such discharge or retirement; or

"(C) in case the issuance was at a discount, the amount deductible for such year solely because of such retirement or discharge.

"(5) RECOVERY OF BAD DEBTS.—There shall be excluded income attributable to the recovery of a bad debt if the deduction of such debt was allowable from gross income for any taxable year ending before the effective date of this chapter or if such debt was properly charged to a reserve for bad debts during any such taxable year.

"SEC. 1574. EXCESS PROFITS DEDUCTION.

"(a) COMPUTATION.—The excess profits deduction for a taxable year shall be the greater of the following:

"(1) 100 percent of the average base period taxable income, or

"(2) an amount equal to the total of the following amounts:

"(A) 10 percent of the first $10,000,000 of invested capital,

"(B) 9 percent of the next $9,000,000 of invested capital, and

"(C) 8 percent of invested capital exceeding $20,000,000.

"(b) AVERAGE BASE PERIOD TAXABLE INCOME.—The average base period taxable income shall be determined by computing the base period taxable income for each month in the base period, the highest and lowest aggregate of 6 months taxable income shall be dropped and the remaining sum of 24 months shall be divided by 2 to obtain a base year figure for the purposes of this chapter.

"(c) APPLICATION OF CHAPTER.—The provisions of this chapter shall apply to all corporations which were in existence during the entire or any part of the base period or the emergency period as defined in this chapter.

"SEC. 1575. ENERGY PLOWBACK DEDUCTION.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'energy plowback deduction' means the amount paid or incurred by the taxpayer during the taxable year (with respect to areas within the United States or a possession of the United States) for—

"(1) intangible drilling and development costs to which section 263(a) applies or ascertaining the existence, location, extent, or quality of any deposit of crude oil or natural gas,

"(2) the construction, reconstruction, erection, or acquisition of the following items but only if the original use of such items begins with such taxpayer—

"(A) depreciable assets used for—

"(i) the exploration for or the development or production of oil or gas (including development or production from oil shale),

"(ii) converting oil shale, coal, or liquid hydrocarbons into oil or gas, or

"(iii) refining oil or gas (but not beyond the primary product stage),

"(B) pipelines for gathering or transmitting oil or gas, and facilities (such as pumping stations) directly related to the use of such pipelines, or

"(3) secondary or tertiary recovery of oil or gas.

"(b) LIMITATION.—The amount of the energy plowback deduction for any taxable year may not exceed 25 percent of the excess profits taxable income for such year (determined without regard to the energy plowback deduction)."

"(b) The table of chapters for such subtitle A is amended by adding at the end thereof the following new item:

"Chapter 7. Excess profits tax."

(c) The amendments made by this Act shall take effect on the date of the enactment of this Act.

A FEW LINES FROM DESERT SHIELD

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WELDON. Mr. Speaker, I am honored to share the following two poems that have been written by members of the Delco Poets Cooperative of Delaware County, PA.

The first poem by Mr. William Hildebrandt has been written from the perspective of an American soldier serving with Operation Desert Shield. The second poem by Mr. Fred Fessenbecker is an expression of American pride and glory.

I share these two poems with you today as a tribute to the citizens of Kuwait and our service personnel with Operation Desert Shield. May God bless our soldiers and their families with continued strength, good health, and optimism.

A FEW LINES FROM DESERT SHIELD

(By Bill Hildebrandt)

To friends and relatives so dear,
Beloved wives and sweethearts too,
We know that love's a two way deal—
That you love us as we love you.

We guys look for your written words
And photos of the home town folks.
We cherish things we used to share—
Small trinkets, even corny jokes.

Today my Mom's choice cookies came.
I saw that they'd been packed with care.
And with them came Mom's thoughtful note—
"There's plenty here for you to share".

And share I did with all the guys
Those tasty morsels from the states.
Mom's gesture made us feel so good;
She shows how high our outfit rates.

We have Old Glory flying here
Above this endless stretch of sand.
It makes us feel goose-pimply pride
And home ties with our native land.

While we stand ready for a call
To do the best that we can do,
Please pray that peace and right prevail—
That God will guide us safely through.

"OLD GLORY" "AMERICAN SHIELD"

(By Fred Fessenbecker)

Our country's flag will forever wave,
Her colors thru the sky,
To show our United American strength,
Where all may visualize,
Justice, peace and liberty,
As in the past, are still in view,
Proof, that freedom still survives,
Because of me and you,
Every star is a symbol of,
Our fifty United States,
Longed for, fought for, and nationally bought,
For future generations, to appreciate,
Every stripe, red, white and blue,
Stands for purity, love and truth,
A heritage, from our forefathers,
Who were our generation's roots,
So wave on forever, "Old Glory",
Pride of our country's might,
While we honor the patriots, of our desert shield,
And thank God, for their sacrifice.

THE WESTERN NORTH CAROLINA WILDERNESS PROTECTION ACT OF 1991

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BALLENGER. Mr. Speaker, today I am proud to reintroduce legislation I introduced last year to designate approximately 13,000 acres within the Pisgah National Forest as wilderness. The bill, the Western North Carolina Wilderness Protection Act, was approved by the House in the closing days of the 101st Congress, but was not considered by the Senate.

In 1984, Congress passed the North Carolina Wilderness Act, establishing Lost Cove and Harper Creek as wilderness study areas. Since that time, the two areas have been managed as wilderness, and in 1987, The National Forest Service recommended the two areas for permanent wilderness designation. In my view it is time to make the designation official. Last year, the House succeeded in this, and I hope I can count on the same support this year.

As you know, wilderness designation would protect these areas from timber harvesting, and prohibit the use of motorized vehicles and equipment. This would ensure the preserva-

tion of the natural resources while allowing both tourist and residents to continue hunting, fishing, and camping.

I grew up in the mountains of North Carolina, and have a real appreciation for the natural resources and the beauty that the western part of our State has to offer. I want to ensure that future generations, including my own grandchildren, will have the opportunity to enjoy these resources and beauty just as I have. I urge your support of the Western North Carolina Wilderness Protection Act of 1991. Following, is the text of the bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western North Carolina Wilderness Protection Act of 1991".

SEC. 2. DESIGNATION AND ADMINISTRATION.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131–1136), the following lands in the State of North Carolina are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) Certain lands in the Pisgah National Forest, which comprise approximately 5,710 acres as generally depicted on a map entitled "Lost Cove Wilderness—Proposed" dated July 1990, which shall be known as the Lost Cove Wilderness.

(2) Certain lands in the Pisgah National Forest, which comprise approximately 7,140 acres as generally depicted on a map entitled "Harper Creek Wilderness—Proposed" dated July 1990, which shall be known as the Harper Creek Wilderness.

(b) ADMINISTRATION.—Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be reference to the date of enactment of this Act.

(c) MAP AND DESCRIPTION.—As soon as practicable after enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

FLSA OVERTIME PAY FOR INDIAN TRIBAL GOVERNMENTS

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. KYL. Mr. Speaker, I rise today to introduce legislation to amend the Fair Labor Standards Act [FLSA] of 1938 and put Indian tribal governments on par with all other local governments for purposes of managing and funding their police and fire departments.

Mr. Speaker, the FLSA generally provides that employees shall be entitled to time-and-one-half compensation for all hours worked in excess of 40 in a workweek. Initially, it applied only to employees who were directly engaged in commerce. Then, in 1974, Congress extended the FLSA's coverage to include most State and local employees. Police and firefighters were, however, exempted from the overtime provisions.

A number of Supreme Court cases, resulting in *Garcia* v. *San Antonio Metropolitan Transit Authority,* 469 U.S. 528 (1985), required the Congress to legislative once again in regard to police and firefighters. It did so in the 1985 amendments to the FLSA, reestablishing special overtime provisions for those police and firefighters who work for public agencies.

Unfortunately, the 1985 amendments were not made applicable to Indian tribal governments, even though many of them have police and fire departments that operate in the same manner as do those of municipalities. A review of the history surrounding the 1985 amendments leads me to believe that Indian tribal governments were not intentionally excluded from the coverage of the special provisions, but rather that the issue of Indian tribal governments was just never raised at that time.

The legislation I am introducing today would simply apply the special overtime provisions of the FLSA to Indian tribal governments and their employees.

I insert the text of the legislation in the RECORD at this point, and I urge my colleagues' support.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r) Subsections (k), (o), and (p) apply to any employer that is an Indian tribal government and to employees of Indian tribal governments.".

REINTRODUCTION OF BILLS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HORTON. Mr. Speaker, today I am reintroducing six of my bills which the House of Representatives failed to pass during the 101st Congress. The following is a brief description of each of these measures and my goals in introducing them.

A bill to expand medical benefits afforded American Prisoners of War to those servicemen who evaded capture behind enemy lines. Oftentimes, the ordeals faced by so-called evadees were as traumatic as those faced by POW's. Of course, spending months in a harsh environment can have ill physical and psycological affects on any individual. I believe that it is our responsibility to ensure these brave servicemen are provided with all required medical care for ailments resulting from their efforts.

A bill to provide that the disease of transverse myelitis occurring in a veteran within 7 years from the date of the veteran's discharge or release from active duty shall be considered to be service connected. One of my constituents, Sam Tripicano, has waged a long and difficult battle against transverse myelitis, a debilitating neurological disease very similar to multiple sclerosis. While the presumptive period for M.S. is 7 years, the period for transverse myelitis is only 1 year. This leaves many American veterans such as Sam being denied their rightful medical benefits.

A bill to permit all licensed practical nurses [LPN's] and vocational nurses [VN's] to deduct from their Federal taxes the tuition expenses they incur for educational courses leading to qualification as a registered nurse. As any health care professional will attest, there is now a serious shortage of registered nurses in the United States. This legislation offers a simple and relatively inexpensive incentive for individuals to afford further nurses training.

A bill to provide financial assistance to States with the cost incurred in upgrading their crime labs to include DNA genetic testing equipment. The use of DNA material in forensic research has revolutionized America's crimefighting capabilities. Unfortunately, this new technology has expensive startup costs and States need Federal assistance in purchasing equipment. Further, my bill would allow the Director of the FBI to work with a private organization to develop a proficiency testing system so that labs doing DNA forensic testing are subject to outside oversight.

A bill for the relief of Mr. Chi Chia Long. Mr. Long assisted our troops as an interpretor during the Korean conflict and was later captured and held as a prisoner of war by the Chinese. After his tremendous sacrifices in the service of the United States, I would like to see that Mr. Long be granted permanent resident status in our country.

A bill to change the language which insurance carriers use in letters denying reimbursement to physicians under Medicare. Many physicians and patients alike have been upset by the use of the term "medically unnecessary" as a description for why a given treatment was denied coverage. This calls into question the doctors' medical judgment, which is not the intention of the letters at all. My bill would simply require the insurance carriers to decribe what about the treatment prohibited reimbursement under Medicare.

CLOSED-CAPTIONED TELEVISION IN PUBLIC FACILITIES ACT OF 1991

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. LLOYD. Mr. Speaker, today I am introducing the Closed-Captioned Television in Public Facilities Act of 1991. This legislation could also be titled the Fairness for Hearing-Impaired Individuals Act of 1991, because it is designed to increase the opportunities for access to crucial information available via tele-

vision for the large deaf and hearing-impaired segment of our Nation's population.

First, I would like to mention that it has now been nearly 3 years since the Commission on the Education of the Deaf reported to the President and to Congress on the great promise of closed-captioned television. At that time we were advised that the most rapid progress for persons who are deaf and hearing-impaired could be made by exploiting a technology that has been with us for some time—closed captioning—the appearance on screen of what is being said. This important technology is available and I believe that Congress must mandate its use.

Before I describe how my bill will improve access to closed-captioned television, I would like to explain why this legislation is so critical. For 37 million citizens in the United States that suffer hearing impairment, and the 14 million persons with sufficient enough hearing impairment to deny them access to television, the Commission's report held out hope. A hope that finally they would be able to benefit from a wide range of information that those of us who hear take for granted. I am talking about more than entertainment. Television is a critical source of communication, providing world news, information on local events, and serving an important educational role.

Unless television broadcasts are encoded for closed-captions and decoding devices are available, deaf and hearing-impaired individuals are unable to receive urgent advisory messages about emergencies and catastrophies, educational programming, or entertainment.

Mr. Speaker, until the development of closed-captioned TV, less than 20 years ago, deaf and severely hearing-impaired persons had no access to the information that is routinely available via television to those of us who hear. Even today, hearing-impaired Americans generally have access to the benefits of television only when they are at home using an electronic decoder they have purchased for their personal television sets.

I would like to describe this technology very briefly. The device necessary to decode television broadcasts weighs less than 4 pounds, is smaller than a cable TV box and costs between $160 and $200. Hospitals, hotels, and other places with an in-house television cable system can provide closed captioning services for the hearing-impaired people by providing a decoder for each TV set or through head-end decoding. Head-end decoding is usually more economical. A commercial system that feeds up to 1,000 sets can be purchased for $1,800–$2,500.

Mr. Speaker, the loss of communication due to impaired hearing is a particularly important issue to older adults in our society. Nearly 38 percent of older Americans suffer from some loss of hearing and could potentially benefit from closed-captioned technology. Approximately one in four persons between the age of 65 and 74 has a hearing impairment. This is twice the rate of individuals age 45 to 64. Moreover, in the age bracket of 75 and older, 4 out of 10 persons have hearing loss.

As a Member of the Select Committee on Aging for the past 17 years, and as Chairman of the Subcommittee on Housing and Consumer Interests, I have learned about the significant relationship between hearing loss and quality of life for aging persons. Professionals in the aging network tell us that for many older persons, hearing loss begins a cycle of frustration, exhaustion and depression. In fact, researchers have linked hearing impairment to dementia in older adults. Technology to improve communication for these individuals—like closed-captioning television—becomes even more important in light of this information.

Mr. Speaker, the Closed-Captioned Television in Public Facilities Act of 1991 targets badly needed assistance to the most vulnerable of all deaf and hearing-impaired persons as well as those who can gain the most from this technology. First, my bill would require that closed-captioned television be available to deaf and hearing-impaired residents of federally-funded nursing homes and hospitals. In addition, elementary, secondary, and college students in schools that receive Federal financial assistance would have access to closed-captioned television.

Second, a provision of my bill addresses the accessibility to closed-captioned television in places of public accommodation. Under this bill, the Federal Government will not finance any conferences that are held in a facility that does not make closed-captioning services available to their guests upon request. It is my hope that this measure will encourage hotels to make this a standard service to their hearing-impaired quests.

Third, my bill will require that libraries receiving certain Federal assistance make available televisions with decoder technology.

In addition to improving access to the hearing-impaired, my bill will provide benefits to large segments of the non-deaf population. For example, closed-captioned television is helpful in learning the English language. This benefits children, adults with poor literacy skills, and those individuals learning English as a second language.

The legislation will do one other thing. By increasing the number of persons watching closed-captioned television broadcasts, it will indirectly encourage producers and networks to produce more hours of closed-captioned programming. I am happy to say that all of the prime time schedule is finally being broadcast with closed-captioning signals, as are most major sporting events. However, to encourage future expansions of closed-captioned broadcasts we must broaden the use of closed-captioned television.

Mr. Speaker, during the 101st Congress, I introduced this legislation as H.R. 3993, and I am very pleased to have worked with our distinguished colleague Mr. MARKEY, Chairman of the Subcommittee on Telecommunications and Finance, to include one of the provisions of that bill in the Americans with Disabilities Act [ADA]. It requires that federally-funded or produced public service announcements be closed-captioned. Public service announcements provide vital information on issues of National scope; from AIDS to the IRS. The Federal Government has supported the National Captioning Institute in order to promote greater availability of closed-captioned programming, and this provision is a good first step.

I was proud to have H.R. 3993 endorsed by key organizations representing the deaf and the hearing-impaired, and the disabled, including: the National Association for the Deaf, the Alexander Graham Bell Association for the Deaf, the American Society for Deaf Children, the Convention of American Instructors of the Deaf, the American Deafness and Rehabilitation Association, the American Academy of Otolaryngology, Head and Neck Surgery, the Deafness Research Foundation, the Conference of Educational Administrators serving the Deaf, Telecommunication for the Deaf, Inc., the National Captioning Institute, the National Head Injury Foundation, the National Center for Law and the Deaf, and the American Speech-Language-Hearing Association. I am committed to working with these organizations and the committees of jurisdiction in Congress again during the 102nd Congress to improve access to closed-captioned television for the hearing-impaired.

Mr. Speaker, I urge my colleagues to join me in supporting the Closed-Captioned Television in Public Facilities Act of 1991, which will help to bring deaf and hearing-impaired persons more completely into the mainstream of American life and improve literacy for both children and adults.

BUCKS COUNTY PEACE POLL

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. KOSTMAYER. Mr. Speaker, I want to call your attention to the results of a Persian Gulf exit poll, that was taken to determine the current mood of voters regarding the Persian Gulf crisis. The poll was conducted on election day, November 6, 1990, by the Doylestown Peace Force, along with the Bucks County Alliance for Nuclear Disarmament [BAND], and the newly formed Bucks Advocates for Middle East Peace. By a 2-to-1 margin, the Bucks County voters surveyed rejected a military invasion of Kuwait or Iraq; 3,185 voters were surveyed at 21 polling places in predominantly Republican election precincts.

Mr. Speaker, as war clouds begin to gather, I believe that the results of this poll should play a part in the ongoing debate over the direction of our policy. I strongly commend the results to the attention of all of the Members of the House of Representatives.

FINAL PERSIAN GULF EXIT POLL RESULTS

3,185 voters at 21 polling places, heavily Republican, mostly male.

(1) What is the best way to resolve the Persian Gulf Crisis:

29% (a) By a military invasion of Kuwait or Iraq? (915)

50% (b) By letting the trade embargo and blockade run their course? (1157)

21% (c) By withdrawing U.S. forces from the area and letting international diplomacy work? (668)

(2) Do you support or oppose the use of U.S. military force in solving the Persian Gulf Crisis?

67% Support (1848).

33% Oppose (903).

(3) Does President Bush have the right to commit the U.S. to war in the Middle East without prior Congressional approval?
38% Yes (1108).
62% No (1830).
(4) Would you reduce your personal energy consumption as part of a national energy policy to decrease our dependence on Middle Eastern oil?
93% Yes (2836).
7% No (202).
(5) Should the U.S. continue to spend $50 million a day (or $15 billion per year) on military action in the Persian Gulf?
45% Yes (1170).
55% No (1407).
(Figures do not necessarily add up to 3185 on any given question because respondents did not always answer all questions.)

VETERANS FUNERAL BENEFITS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation to boost funeral benefits to a level previously afforded to all our veterans.

As many of my colleagues are aware, prior to 1981, a burial allowance of up to $300 was provided in all cases where a veteran died: First, of service-connected disability; second, if he was a veteran of any war; third, if he was discharged for a disability incurred or aggravated in the line of duty; or fourth, if he was in receipt of, or entitled to, disability compensation.

Under the Omnibus Reconciliation Act of 1981, the veterans' burial benefits were decreased significantly by limiting funeral benefits to veterans receiving pension or compensation benefits, or residing in a VA supported health facility at the time of death. That reduction mistakenly placed an economic value on a benefit given by Congress to ensure that all veterans would be buried with dignity and respect, regardless of their income or social standing at time of death. It is also in direct violation of a longstanding principle held by the American Legion which calls for equal benefits for equal service.

In the 1990 Veterans Benefits and Services Reconciliation Conference agreement, burial plot allowances have been further limited. The conference agreement eliminates the plot allowance of $150 with the exception of veterans who are in receipt of DVA disability benefits, such as compensation or pension.

My legislation restores the pre-1981 eligibility for veterans for the purposes of receiving funeral benefits, increases the amount of those benefits from $300 to $400, and increases the plot allowance from $150 to $300.

The death of a loved one is an emotional strain on a family, it should not be a financial one too. In these times, the cost of a burial has increased dramatically, often becoming a tremendous financial burden on the families of these veterans during their time of grief. It is my sincere hope that my legislation will help defray a portion of these burdensome costs.

We have a moral obligation to restore these benefits that we promised to our nation's veterans at the time of their induction into the service of their country, to provide them with reasonable compensation for their funeral costs. Reinstating these deserved benefits to our veterans is essential to fulfill our obligation to all those who have fought and risked their lives to protect the ideals and people of our great Nation.

I insert at this point in the RECORD the full text of my bill for review, and I invite my colleagues to cosponsor this important legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Burial Benefits Act of 1991".

SEC. 2. ELIGIBILITY FOR BURIAL ALLOWANCE.

Subsection (a) of section 902 of title 38, United States Code, is amended to read as follows:

"(a) Where a veteran dies—

"(1) of a service-connected disability; or

"(2) who was—

"(A) a veteran of any war;

"(B) discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty; or

"(C) in receipt of (or but for the receipt of retirement pay would have been entitled to) disability compensation;

the Secretary, in the Secretary's discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $400 to such person as the Secretary prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial. For the purpose of this subsection, the term 'veteran' includes a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title.".

SEC. 3. INCREASE IN THE BURIAL PLOT ALLOWANCE.

Paragraphs (1) and (2) of section 903(b) of title 38, United States Code, are amended by striking out "$150" each place it appears and inserting in lieu thereof "$300".

A COMPREHENSIVE TEST BAN

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. OWENS of Utah. Mr. Speaker, with over 400,000 American men and women preparing for battle in the Persian Gulf, the words "nuclear proliferation" have suddenly entered the lexicon of this administration. President Bush called it "one of the greatest risks to the survival of mankind." Moreover, he cites Iraq's aggressive campaign to develop nuclear weapons as the principal rationale for attacking sooner, rather than later.

This is all very puzzling in light of the administration's adamant opposition to a comprehensive test ban, a measure that would unquestionably slow the engine of nuclear competition and reduce obscenely wasteful military spending. This position not only undermines consensus on the Nuclear Nonproliferation Treaty, it weakens the credibility of our commitment to end the nuclear arms race.

Mr. Speaker, I rise today to introduce, along with 30 of my colleagues, a bill urging the President to reassess the necessity for underground nuclear explosions, and to support a comprehensive test ban. No single measure will be more effective in controlling the rampant spread of nuclear weapons than a comprehensive test ban [or CTB], an objective acknowledged in the Limited Test Ban Treaty of 1963, the Nuclear Nonproliferation Treaty of 1968, and the Threshold Test Ban Treaty of 1974. This goal was further underscored in the fiscal year 1991 Defense authorization bill, which expressed the sense of the Congress that

* * * the United States shares a special responsibility with the Soviet Union to continue the bilateral nuclear testing talks to achieve further limitations on nuclear testing, including the achievement of a verifiable comprehensive test ban.

Contrary to the view that a comprehensive test ban is of minor concern to the parties of the Limited Test Ban Treaty [LTBT], a majority of signatories are convening a special amendment conference in New York from January 7–18, to consider amending the treaty to prohibit underground nuclear explosions. Not only does the Bush administration continue to oppose a CTB amendment, it conveyed to the 41 countries that requested the conference that calling the meeting itself represented an "unfriendly act."

Of the three nations with veto power over the proposed CTB amendment, only the Soviet Union pledged to support a comprehensive test ban. Regrettably, Great Britain and the United States maintain that nuclear testing must continue as long as national security depends on nuclear deterrence.

This view stubbornly ignores an improved ability to simulate nuclear effects, advances in verification technology, and greatly expanded Soviet openness. Moreover, recent improvements in stockpile reliability, security, and safety warrant a new assessment of the costs and benefits of a comprehensive test ban to nuclear deterrence and national security. They also warrant the planned phaseout over this decade of many older nuclear warheads, which were designed before recent advances in safety and security occurred.

Continued opposition to a CTB jeopardizes the future of the nuclear Nonproliferation Treaty [NPT], which must be extended in 1995. As was evidenced at the recent NPT Review conference, a majority of the parties are becoming increasingly disgruntled with the U.S. position. Without clear progress toward a CTB by 1995, the treaty may be extended for only a short period, and may ultimately lapse. Such an outcome would destroy the very foundation of the regime to prevent the proliferation of nuclear weapons.

The Limited Test Ban Treaty Amendment Conference in January offers an opportunity to expand and fortify the international nonproliferation regime. Because a comprehensive test ban amendment would apply to all parties to the Limited Test Ban Treaty, passage would include "threshold states" not currently bound by the Nonproliferation Treaty in a uniform, nondiscriminatory agreement.

More importantly, it offers a chance for the United States to assume a proper leadership

role in efforts to contain the spread of nuclear weapons. To ignore this in favor of developing a third generation of exotic nuclear weapons is to ignore the national interest and the real opportunities for a new world order.

I strongly urge my colleagues to support this resolution, and send a strong signal to the President during the amendment conference this month.

INTRODUCTION OF THE FAMILY AND MEDICAL LEAVE ACT

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CLAY. Mr. Speaker, today I am reintroducing the Family and Medical Leave Act. It is the same bipartisan compromise that passed the House of Representatives on May 10, 1990, by a comfortable margin. This year, after more than 6 years of trying, I believe we will finally see this bill become law.

The Family and Medical Leave Act provides jobs security at times of great family or medical need. The bill allows an employee to take up to 12 weeks per year of unpaid leave for the birth or adoption of a child, the care of a seriously ill member of the immediate family, or the serious illness of the employee. Any preexisting health insurance arrangements must be continued during the leave period, and the employee must be reinstated into the same or an equivalent position upon return from leave. Small employers—those with less than 50 employees—are exempt from coverage of the bill. Extensive medical certification is required to confirm a serious illness. To be covered, an employee is required to have been employed by the employer for at least 1 year. Part-time employees, those working on an average less than 20 hours a week, are not covered by the bill.

The bill that I am introducing today was passed by both the House and Senate last year. The majority of the Congress has already spoken on the need for this legislation. More importantly, the American public wants this bill to become law.

The legislation that we see today is a result of many years of negotiation and compromise. This is the fourth Congress to witness the introduction of family and medical leave legislation. When we began in 1985, we were asking a lot more from American employers. But through the years of talking with workers and employers alike, we have arrived at a modest, bipartisan, compromise that balances a worker's need for job security during a family emergency with an employer's day-to-day requirements in operating a successful business.

The gap between the leave policy in this country and the rest of the world has continued to widen. Recently we learned that Europe is likely to substantially strengthen its family leave policies. Why is it that families the world over seem to get better treatment than do families in this country? We certainly profess to care about our families. There is no shortage of rhetoric about how important it is to "preserve and protect" the family. But when it comes to the basics, we don't match the rhetoric with action. We simply cannot say that we care as much about families here as they do there until we show it with our actions.

Europe is strengthening its law not only because it helps families but also because it is good business. They realize the importance of investing in the work force to remain competitive. Productivity and efficiency requires tending to the needs of the work force. Family needs are one of the most pressing concerns of today's workers. Our competitors are tending to these needs, we are not. Far from hurting our competitiveness as some have maintained, establishing a leave standard will help us compete.

President Bush vetoed this legislation in June of last year. It is my belief the President will reevaluate his opposition. Hopefully my colleagues, who have strongly supported the bill throughout the many years of compromise, will prevail on the President to reconsider. Hopefully the newly designated Secretary of Labor, who as a House member voted for the bill and voted to override the President's veto, will help the President reevaluate his position. Perhaps the fact that a growing majority of the American people strongly support this bill will encourage the President to take a second look. Because of the great value the President places on the family, he should be for the bill.

Mr. Speaker, the Family and Medical Leave Act is a bill that everyone in Congress should be able to support. I hope that we will see it move through the legislative process quickly in the 102d Congress.

INTRODUCTION OF OMNIBUS SMALL BUSINESS LEGISLATION

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. IRELAND. Mr. Speaker, as we begin the 102d Congress I would like to take this opportunity to salute those men and women who were such an integral part of our recent decade long economic recovery and who will be the foundation of the next economic upswing. I am talking about our Nation's job producers, innovators, and a major portion of our very social fabric—our small business community. In recognition of this vital economic segment today I will introduce an omnibus small business bill. I do this each Congress and it has been very rewarding. For example, over the last 2 years working with other Members in both Houses of Congress, we were able to see many issues I had raised addressed by various committees including a new White House Conference on Small Business, coverage of the Internal Revenue Service under the Regulatory Flexibility Act, and a study to address the remarkable small business information system developed by the European Community.

Last year, the House Republican Research Committee's Small Business Opportunities Task Force, which I was fortunate to chair, worked with the small business community to develop a set of small business legislative priorities. I shared the resulting "Small Business Policy Statement" with more than 8,000 small businesses around the country, and asked for their review and comment. The response was overwhelming.

The largest number of comments came on the issue of health care. Letter after lettter cited the lack of affordable health care as the number one small-business problem. "We not only cannot find affordable health insurance, but it is getting more difficult to find health insurance companies at all," said one company. "Our business health insurance policies have had rate increases every 6 months for the last year-and-a-half, and we have never had a claim," related another firm. "Health care costs are going to put us out of business if something is not done," laments yet another small business owner. Clearly, we in Congress must do something to address this problem.

The general business environment is also of vital concern to the small businesses we heard from. "We always want to comply with Government regulations, but the most difficult part is understanding what the Government wants and trying to translate that into something the company can operate within," one company wrote. "It is very difficult for a small business to meet all the demands that are required by law."

Another firm contends that "We are top-heavy with out-of-touch bureaucracies in this country * * *" "We spend 50 percent of our office time on records and filing paperwork for the State and Federal Government," says another. "Government has grown so large that it does not see itself as a servant of its citizens anymore. It's like them against us. Government needs to work with private enterprise to make America competitive in the world. Those who are willing to take a risk to start a business and therefore provide jobs for other citizens should be helped, not hindered at every turn," concludes another frustrated small business owner.

These small businesses are sending a message to Congress loud and clear; they care about their employees, they want to do something about the social problems we face in this country, and they want to be responsible, active members of their communities and our country. But we in Congress must work with the small business community to build legislative solutions that stimulate and encourage small business participation and cooperation. We need to reject failed bureaucratic approaches to governing, and to offer pro-active strategies for dealing with the issues we face as a nation in a way that complements free-market initiatives rather than competing with them.

Mr. Speaker, the ideas contained in my omnibus bill are for the most part not new. Many of them have been introduced by either myself or other Members before in various forms. All the issues are important however and deserve our attention. I will briefly describe the seven titles of the bill and my intentions.

First, I propose to raise the status of the Administrator of the Small Business Administration to Cabinet level. As the President's principal adviser on all matters relating to small business the Administrator would be extremely valuable at all Cabinet sessions devoted to various economic questions confronting the Nation. This elevation would merely mean a small adjustment in the Administrator's pay

status. The Cabinet exists solely by tradition and serves as a sounding board and an advisory body to the President. In no way would Cabinet status require enlarging the bureaucracy or Federal expenditures. Should not small business have a voice where it counts the most?

Second, the Regulatory Flexibility Act which requires all Federal agencies to review the impact of their regulations upon small business has been a very constructive law. I propose that failure to comply with the requirements of the Regulatory Flexibility Act be subjected to judicial review. At the present time this is not the case and there appears to be a body of evidence that some agencies on occasion have flaunted this law due to the lack of judicial review. I propose to change this.

Third, I propose that the chief counsel for advocacy for the Small Business Administration conduct a study on the impact of the Federal Government upon small business. This study should include, but not be limited to, the taxes small business must pay, various tax requirements that must be met, and forms that must be submitted, as well as the regulatory burden of all other Federal agencies by agency. We often in the Congress talk about the burden the Federal Government imposes on the small business community. However to date we have never really sat down to actually quantify this burden. I suspect the burden is far more serious than we know and each succeeding Congress only adds to it. This is information that we must and should have.

Fourth, I propose as did some Senators in the waning days and nights of the 101st Congress that the Internal Revenue Service be prohibited from the retroactive application of regulations and rulings unless specifically directed to do so by the Congress. Recently in this country agents have fanned out across the land and have been badgering innocent business people over all types of regulations—independent contractors being but one example. People have products to produce and businesses to run. We need one clear set of rules to play the game. We do not need changing rules or rules which are explained and enforced years after the fact.

Fifth, I propose as many of us in Congress have in the past to allow self-employed individuals to deduct 100-percent of their health insurance costs. Why should they be treated differently from other business enterprises? Fair is fair. Is only a 25-percent deduction any way to encourage health coverage?

Sixth, I believe it would be a positive move for business development to increase the number of S corporation shareholders. At present we allow the entity to have a maximum of 35 shareholders. I would propose we increase the number to 50.

Finally, we must act on a great error which Congress committed during the rewrite of the Fair Labor Standards Act of 1938. The small business exemption was left out. This must be corrected. I am reintroducing a Senate proposal from last Congress authored by the distinguished chairman of the Senate Small Business Committee the Honorable DALE BUMPERS. We cannot delay on this issue as action is required by April 1 due to the next proposed wage increase.

Mr. Speaker, I have no pride of authorship over any legislation I introduce. I am however in touch with the Nation's small business community and I believe I have a fair knowledge of what issues demand our attention. I would hope this omnibus bill could be called a well-intentioned effort to call every Member's attention to several matters of interest to us all.

WHY OFFICIAL ENGLISH?

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EMERSON. Mr. Speaker, in the RECORD of November 2, 1990, my colleague Representative JOSÉ SERRANO rose in opposition to the Language of Government Act. He listed several reasons on which he based his objections. I must point out, however, that my colleague from New York is sorely mistaken about both the intent and the legal effect of the Language of Government Act.

Mr. SERRANO terms the Language of Government Act an "English-only" proposal. To the contrary, supporters of the Language of Government Act strongly support and encourage the teaching and maintenance of other languages.

Mr. SERRANO points to the uniqueness of American citizens in that "we do not share a common race, religion, or ethnicity." This is absolutely correct—and absolutely why we must all be able to communicate with each other if we are to live as neighbors in peace.

Mr. SERRANO suggests that when this bill becomes law, English will be "the only acceptable mode of expression." This is untrue. Every linguistic mode of expression is acceptable; diverse language skills are encouraged. What English will be is the one language that everyone can count on. No matter what part of the country a citizen travels to, he or she should be able to speak to the fellow Americans who live there.

Mr. SERRANO disparages the American melting pot. We are not homogeneous, but we are a single Nation. We are Americans. We are German-Americans, we are Haitian-Americans, we are Korean-Americans, we are Chinese-Americans, and we are Native-Americans, but we are Americans first and foremost, and our language has been our common bond.

Mr. SERRANO attributes the motivation behind the Language of Government Act to the alleged fear that English is somehow endangered. This allegation makes no sense. As he says, 96 percent of the population speak English. Why should we think it is endangered? We are rather concerned with the 4 percent that do not speak English. Look at those numbers: For every 24 Americans who speak English, 1 does not. How can the one ever expect to succeed in the English-speaking society, to compete with the other 24, to partake of the vast opportunities in our country, unless she or he speaks the language of the others? How can one fully participate in the political and social debates in our Nation if one's information must be sifted through a language filter? Quite simply, he or she cannot fully participate.

Mr. SERRANO accuses the Language of Government Act of interfering with the medical treatment of an ill patient and denying a fair hearing to a suspected criminal. This argument is totally groundless; it is but another attempt to distort the true meaning of and motivation behind the bill. The language of the bill itself specifically exempts from "official government actions," that is, those to be conducted in English "actions that protect public health or safety; and actions that protect the rights of victims of crimes or criminal defendants."

The intent of the bill is clear, and if these precise words are cloudy, we'll find words that aren't. The purpose of the Language of Government Act is to ensure that we have a common medium—a common language—through which we can all communicate. We need to be able to talk to each other; no one should be left out. This is a goal which will hinder no one and help us all.

THE COMMISSION ON CLOSURE AND RELOCATION OF THE LORTON CORRECTIONAL COMPLEX

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. WOLF. Mr. Speaker, today I am introducing legislation to establish a 21-member commission to develop a plan for closure of the Lorton Correctional Complex by the year 2010 and for the establishment of new "model" prison facilities to be located at sites within the District of Columbia.

The commission will have 21 members, 9 appointed by the mayor of the District of Columbia, Sharon Pratt Dixon, 9 appointed by Fairfax County, and 3 appointed by the President.

The commission will have three responsibilities:

First, developing a plan for closing Lorton by the year 2010, including identifying options for the use of the land now occupied by the prison such as perhaps a community park.

Second, developing a plan for new model prison facilities located in the District of Columbia to replace Lorton.

The new prison should be a model prison. It should incorporate the most advanced, progressive, and imaginative ideas in the field of corrections in both design and operation. It should be an example from which other prison systems across the country can draw new ideas and solutions and should be an institution which others, throughout the country, seek to emulate.

Model programs in alcohol and drug abuse treatment, education, vocational training, and rehabilitation must be included in the new facilities. The newest thinking in the area of prison industries should also be incorporated so that inmates develop skills that will enable them to secure jobs upon leaving prison.

Third, identifying steps for improving operations at Lorton before it is closed. If new facilities are needed before Lorton is closed, then they should be constructed with a secondary use in mind such as a community col-

lege, library, or community facility. When Lorton is closed in 2010, these facilities could be put to use in their secondary capacity.

Mr. Speaker, closing and building prisons are not easy tasks. But a new prison in the District of Columbia will make a difference.

A new model prison will allow for the development of academic and vocational training programs to help inmates develop basic life skills and a trade that can be used upon release to avoid a future life of crime. Crowded conditions could be relieved. Living conditions could be improved. Security conditions could be strengthened within the prison.

A new prison will help residents of the District of Columbia. A new prison would remove one of the major aggravants in the relationship between the District of Columbia and northern Virginia. A new prison would pave the way for improved relations and cooperation on all levels.

And I believe this can be accomplished by a close working partnership between both the District of Columbia and the Federal Government. As equal partners, both contributing to the establishment of a new prison, these goals can be accomplished.

Establishment of this commission will be the first step in the process, and I am committed to working with District officials toward that end.

Mr. Speaker, over 80 years ago President Theodore Roosevelt pointed out serious problems at the jail in the District of Columbia, including overcrowding and widespread inmate idleness.

Today these same conditions are present at the Lorton complex and I believe we have an obligation to see what can be done.

I encourage Members to join me in supporting this legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Closure and Relocation of the Lorton Correctional Complex Act."

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the Commission on Closure and Relocation of the Lorton Correctional Complex (in this Act referred to as the "Commission").

SEC. 3. DUTIES OF COMMISSION.

The Commission shall carry out the following:

(1) COMPREHENSIVE PLAN FOR CLOSING THE LORTON CORRECTIONAL COMPLEX BY 2010.—Because of the serious operational and safety problems at the Lorton Correctional Complex which adversely affect the inmates of the complex, employees of the District of Columbia Department of Corrections, and residents of the District of Columbia and Fairfax County, Virginia, the Commission shall develop a comprehensive plan for closing the Lorton Correctional Complex by the year 2010 and in the plan shall identify and recommend options for the use of the land on which the complex is located.

(2) PLAN FOR NEW PRISON FACILITIES LOCATED WITHIN THE DISTRICT OF COLUMBIA.—The Commission shall develop a comprehensive plan for the establishment of new model prison facilities within the District of Columbia to replace the Lorton Correctional Complex when it is closed in accordance with the plan developed under paragraph (1). The plan shall identify and recommend—

(A) appropriate sites for the new prison facilities,

(B) strategies for financing, including Federal funding for, the new facilities,

(C) plans for expeditiously phasing in the operations of the new facilities, and

(D) plans for ensuring that the new facilities will be models in education, vocational training, and rehabilitation of the inmates of the facilities.

(3) STEPS FOR IMPROVING OPERATIONS AT THE LORTON CORRECTIONAL COMPLEX.—The Commission, using existing knowledge, resources and experience, shall identify and recommend appropriate strategies for improving the effectiveness and safety of operations at the Lorton Correctional Complex before it is closed under the plan developed under paragraph (1) and the new facilities are established under the plan developed under paragraph (2).

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 21 members appointed as follows:

(1) The Fairfax County Board of Supervisors shall appoint 9 members.

(2) The Mayor of the District of Columbia shall appoint 9 members.

(3) The President shall appoint 3 members.

(b) REQUIREMENTS FOR CERTAIN MEMBERS.—

(1) MEMBERS APPOINTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS,—of the members of the Commission appointed under subsection (a)(1)—

(A) at least one member shall be an individual who is a member of a local civic association in northern Virginia,

(B) at least one member shall be an employee of the Virginia Department of Corrections who is knowledgeable about the establishment of new prison facilities,

(C) at least one member shall be a member of the Fairfax County Board of Supervisors,

(D) at least one member shall be a member of a chamber of commerce in northern Virginia,

(E) at least one member shall be an employee of the Fairfax County Sheriff's Department, and

(F) at least one member shall be an employee of the Fairfax County Police Department.

(2) MEMBERS APPOINTED BY THE MAYOR OF THE DISTRICT OF COLUMBIA.—Of the members of the Commission appointed under subsection (a)(2)—

(A) at least one member shall be a member of a local civic association in the District of Columbia,

(B) at least one member shall be an employee of the District of Columbia Department of Corrections who is knowledgeable about the establishment of new prison facilities,

(C) at least one member shall be either the Mayor of the District of Columbia or a member of the District of Columbia City Council,

(D) at least one member shall be a member of a chamber of commerce in the District of Columbia or the Washington Board of Trade, and

(E) at least 2 members shall be employees of the District of Columbia Metropolitan Police Department.

(3) MEMBERS APPOINTED BY THE PRESIDENT.—Of the members of the Commission appointed under subsection (a)(3)—

(A) one member shall be the Director of the Bureau of Prisons, and

(B) one member shall be the Director of the National Institute of Corrections.

(c) CONTINUATION OF MEMBERSHIP.—

(1) GENERAL RULE.—Except as provided in paragraph (2), if a member was appointed to the Commission because the member was an officer or employee of any government or if member is appointed to the Commission and later becomes an officer or employee of a government, that member may continue as a member for not longer than the 30-day period beginning on the date that member ceases to be such an officer or employee or becomes such an officer or employee, as the case may be.

(2) EXCEPTION.—Service as a member of the Commission shall not be discontinued because of paragraph (1) if an individual has served as a member of the Commission for not less than 3 months.

(d) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(e) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) COMPENSATION.—Members of the Commission may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(g) QUORUM.—11 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(h) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be elected by a majority of the members of the Commission.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Commission and paid at the rate of basic pay payable for level III of the Executive Schedule.

(b) APPOINTMENT AND PAY OF STAFF.—The Commission may appoint personnel as it considers appropriate without regard to the provisions of title 5, United States Code, governing appointment to the competitive service. Such personnel shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under section 3.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any ac-

tion which the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out section 3. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission to the extent otherwise permitted by law.

(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

SEC. 7. REPORTS.

(a) INTERIM REPORTS.—The Commission shall submit to the Fairfax County Board of Supervisors, the Mayor of the District of Columbia, and appropriate committees of Congress interim reports. Such reports shall be submitted at the end of the 6th and 12th month after the date of the enactment of this Act.

(b) FINAL REPORT.—The Commission shall transmit a final report to the Fairfax County Board of Supervisors, the Mayor of the District of Columbia, the President, and appropriate committees of the Congress not later than 18 months after the date of the enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislation or administrative actions it considers appropriate.

SEC. 8. TERMINATION.

The Commission shall terminate 90 days after submitting its final report pursuant to section 7.

SEC. 9. AUTHORIZATION.

To carry out this Act there is authorized to be appropriated an amount not to exceed $1,000,000.

AGING AIRCRAFT SAFETY ACT OF 1991

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. OBERSTAR. Mr. Speaker, today, Public Works and Transportation Committee Chairman ROBERT A. ROE, JOHN PAUL HAMMERSCHMIDT, the ranking minority member on the committee, WILLIAM F. CLINGER, Jr., the ranking minority member on the Aviation Subcommittee, and myself introduced the Aging Aircraft Safety Act of 1991.

This legislation is identical to H.R. 3774 which passed the House in the 101st Congress by a voice vote on the Suspension Calendar on July 16, 1990. Unfortunately, the Senate did not take up the measure, and it did not become law.

The bill directs the Federal Aviation Administration to implement rules to further ensure that older airliners are safe and airworthy by directing a special inspection of older aircraft focused on the problems associated with age.

Ever since the Aloha Airlines accident in May 1988 when the top of an older Boeing 737 ripped off because of metal fatigue and cracking not spotted in routine inspection and maintenance, the Government agencies responsible for aviation safety and the airline and aircraft manufacturing industries have redoubled their efforts to ensure the safety of aging aircraft.

The FAA and the industry are to be commended for the aggressive action taken to ensure that necessary repairs and inspections of older aircraft are accomplished. This bill builds a further safety redundancy into the system already established. By requiring a special safety inspection focused on aging aircraft issues and problems when the aircraft is down for heavy maintenance checks after its 15th year of life, the traveling public can be assured definitively that all that needs to be done to keep older aircraft flying safely has been done.

For further, more detailed information on the aging aircraft issues and the legislation, I refer you to committee hearing publication 101–25 and the House committee report on last year's bill, 101–606.

The following is a section-by-section description of the bill:

Section 1 provides a short title, the "Aging Aircraft Safety Act of 1990."

Section 2(a) directs the FAA Administrator to initiate a rulemaking not later than 180 days after enactment to assure the continuing airworthiness of aging aircraft.

Section 2(b)(1) requires the Administrator, pursuant to the rule, to make inspections and reviews of each aircraft's records to permit a determination that the aircraft is in safe condition and properly maintained.

Section 2(b)(2) provides that these inspections shall be carried out as part of an aircraft's heavy maintenance checks after 15 years of service.

Section 2(b)(3) provides that these inspections shall be conducted as are other inspections under existing law, specifically pursuant Section 601(a)(3)(c) of the Federal Aviation Act which provides that the Administrator shall establish the manner in which inspections shall be conducted, including at the Administrator's discretion, inspections and reports by properly qualified private persons.

Section 2(d) provides that the rule should establish the procedures to be followed in conducting the required inspections.

Section 2(e) requires air carriers to make aircraft and records available for the required inspections.

Section 3 directs the Administrator to establish three aircraft maintenance safety programs:

(1) A program to verify that air carriers are maintaining their aircraft in accordance with programs approved by FAA.

(2) A program to provide training and enhanced participation of FAA inspectors and engineers in conducting corrosion and metal fatigue inspections.

(3) A program to ensure that air carriers demonstrate either commitment and technical competence to assure the airworthiness of their aircraft.

If you wish to become a cosponsor of this bill, have your staff contact the Aviation Subcommittee staff at extension 59161.

ENTERPRISE ZONE LEGISLATION

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ROSTENKOWSKI. Mr. Speaker, I am introducing today important legislation to provide Federal incentives for investment in our most distressed and impoverished areas. The Enterprise Zone Tax Incentive Act of 1991, very similar to legislation which I sponsored last year (H.R. 5190), is designed to aid those areas of the country which were bypassed by the economic recovery that occurred generally in our country over the last decade. These locales have suffered the most, even before the recent downturn in our economy. As I stated during the Committee on Ways and Means hearings on enterprise zone proposals in 1989, the lack of job opportunities, poor educational facilities, and job skills keyed to a changing economy form a vicious cycle of poverty in many of these areas.

The legislation introduced today represents a comprehensive effort to improve the economic and personal quality of life in these areas of the country. It would provide direct Federal incentives for employment, child care, housing, health insurance, and capital investment. The bill also recognizes that direct Federal tax incentives alone will not overcome the poverty and stagnation in many of these areas. Businesses want to operate in safe communities, with access to markets and quality schools and housing to attract good and long-term workers. In addition, startup businesses and others may not have the profits necessary to use Federal tax incentives. This legislation would award extra Federal tax incentives to those communities demonstrating a financial commitment to their own development in the form of crime prevention, infrastructure, property and sales tax abatements, and loans or grants to small business.

It remains essential that we find a way to inject new capital investment into these impoverished areas. We must create a climate in which new businesses can develop and existing businesses can remain and thrive in an enterprise zone. This legislation would allow the deferral of an individual's capital gain on the sale of any asset wherever located if it is reinvested in an enterprise zone. It would lessen part of the risk of investing in an unproven enterprise zone business by making losses realized on stock or debt or those businesses fully deductible against ordinary income.

Because I believe strongly that communities benefit when people live where they work, this legislation also would give small businesses tax credits for employing workers who live in the zone. It also would give businesses credits for providing these same residents with health insurance. It would encourage child care facilities, either in the parents' apartment building or place of work. It would assist the rehabilitation of existing buildings which may now sit idle or underused. The more resources a State or local government is willing to dedicate to an area, the more likely the area could be designated an enterprise zone and the more tax incentives the zone could receive. The bill also helps the local community get the most

bang for the buck by allowing them to determine which benefits are the most helpful for their particular area. Those communities can negotiate for the most efficient investments when they can control the mix of incentives.

Let me emphasize my desire to provide a meaningful incentive to improve the plight of our poorest neighborhoods. I live in the innercity. I know first hand of the decay, the poverty, the hopelessness that many who live in these communities feel. While I am a realist about our ability to solve many of the problems of those least able to help themselves, I believe that we can provide some hope for a brighter future through these benefits and incentives.

Because I understand the fiscal restraints on our ability to finance solutions to these problems in times of tight budget considerations, this legislation places an annual cap on the total amount of tax incentives which can be used for each enterprise zone. The cap is designed to limit the cost of this legislation roughly to the revenue cost the administration attached to its own enterprise zone proposal in 1990. The cap has been set based upon preliminary revenue estimates of the revenue impact of this legislation, and some further adjustment of the cap amount may be required at the time such revenue estimates are refined. These limits are the only way that the Government can be certain that the costs of this legislation will not skyrocket beyond both our willingness and our ability to fund the program. Like all other legislation, if enterprise zone incentives are enacted, they must be fully financed under the pay-as-you-go budgetary discipline.

I know that it will not be easy to enact this legislation. It will be controversial. Some wish to provide no special incentives to help the most needy pull themselves out of the spiral of poverty. Others, who may wish to help, would go about it in a very different way. I sincerely hope that we can work out our differences, and enact this legislation as expeditiously as possible in the 102d Congress. By introducing this legislation today, I hope to move the debate forward toward that successful conclusion.

CLAY AND HORTON SPONSOR LEGISLATION TO PROMOTE FULL CITIZENSHIP OF FEDERAL AND POSTAL WORKERS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CLAY. Mr. Speaker, today my good friend and colleague on the Committee on Post Office and Civil Service, FRANK HORTON, and I are introducing the Federal Employees' Political Activities Act of 1991. In doing so, we are continuing a bipartisan effort to restore to 3 million Federal and postal employees the right to freely and fully exercise the most basic right of American citizenship, the right to choose their government.

The Hatch Act is among the most ignoble laws ever enacted in this country. It precludes Federal and postal employees from speaking at political gatherings, from serving as delegates to political conventions, from circulating nominating petitions, or from running for partisan office. In short, the law provides that while they may vote, Federal and postal employees, even when acting as private citizens, are precluded from engaging in virtually any other organized activity to make their political views and desires known. Today, there are over 3,000 separate regulatory rulings interpreting and enforcing the Hatch Act.

In the face of this regulatory morass, Federal and postal workers have little idea as to just what constitutes unlawful political activity under the Hatch Act. To the extent that the law serves any end at all today, it serves to intimidate and discourage Federal and postal employees from engaging in any political activity; and, regrettably, both Democratic and Republican administrations have sought to use the law to muzzle perceived opponents. The incoherent and irrational restrictions of the law, coupled with its inconsistent, biased enforcement, are justification enough for its reform. There is, however, a greater imperative for revisiting this statute.

The severity of the restrictions on the freedom of speech and freedom of assembly of Federal and postal employees imposed by the Hatch Act should be more readily apparent to us, assembled in this House, than perhaps any other group of Americans. We, even more than others, understand that voting is merely the bottom line of a complex political process. The events that proceed it, the months of expressing views; persuading friends, neighbors and relatives; the telephone and house to house canvassing; the organizing at the county, ward, and precinct levels; the neighborhoods teas, precinct caucuses, and county conventions; these are the nuts and bolts of a successful campaign. These are the means by which one truly makes one's voice heard in this country, and it is these very means of expression that are denied to Federal and postal employees.

Our bill ensures that Federal and postal employees, as well as the public, shall be able to freely choose, without fear of intimidation, whether they wish to participate in the politics of their country, be it local, State, or national. It better protects Federal and postal employees from the coercion and intimidation intended to force political involvement, the kind of abuse the Hatch Act sought to redress. It also frees Federal and postal employees to engage in otherwise lawful political activity on their own time, and thus ends the coercive gag imposed upon them by the Hatch Act today.

The legislation we are introducing today is identical to the Hatch Act reform bill passed overwhelmingly by the House in the 101st Congress. Except for technical corrections necessitated by passage of the Whistleblower Protection Act of 1989, it is the same legislation as the bipartisan compromise originally developed by the former ranking Republican Member of the Post Office and Civil Service Committee, GENE TAYLOR, and myself in the 100th Congress.

In the last Congress, the House initially passed this bill by a margin of 297 to 90. This body reconsidered the bill after it was amended by the Senate and passed it again by a margin of 334 to 87. After President Bush vetoed that legislation, we voted to override that veto by a margin of 327 to 93. In the Senate, they came within two votes of overriding the veto. Prior to the 101st Congress, the House had overwhelmingly passed legislation to reform the Hatch Act in the 94th, 95th, and 100th Congresses.

Free speech and the right to exercise a meaningful voice in the selection of one's government are the foundation of our Republic. These rights are no less important to Federal and postal employees than they are to women, Blacks, or any other group of American citizens. Clearly, this fact is apparent to the American people and to the Congress. I am confident that this Congress will provide Federal and postal workers with the full political rights to which they are entitled.

A summary of the major provisions of the bill follows:

The bill states that it is the policy of the Congress that employees should be encouraged to fully exercise their rights to participate or not participate in the political process of the Nation. The exercise of this right should be free and without fear of reprisal or penalty.

The bill prohibits on-the-job political activity on the part of Federal and postal workers. Federal employees may not engage in any political activity while on duty, in a Federal facility, in uniform, or while using any vehicle owned or leased by the Government.

The bill contains strict prohibitions against official coercion. Federal employees may not use official authority or influence to interfere with the result of an election or to intimidate any individual to vote or not to vote, to give or withhold a contribution, or to engage or not engage in any political activity. Federal employees may not give a political contribution to a superior, or give, receive, or solicit a political contribution in a Government building. Federal employees may not solicit, accept, or receive a contribution from, or give a political contribution to, any person who has or is seeking a contract with the employee's agency, is regulated by the agency, or has interests which may be affected by the performance of the employee's duties. This bill retains and conforms the various criminal prohibitions relating to elections and political activities contained in chapter 29 of title 18, United States Code.

While retaining strict prohibitions on activities that may coerce or intimidate other Federal or postal employees or private citizens, the bill provides that Federal and postal employees may otherwise engage in any legal political activity off the job. They may run for partisan political office without taking leave as long as the campaigning does not interfere with the performance of their duties. An employee who requests leave without pay or annual leave for the purpose of running for office may only be denied such leave by agency management based upon the exigencies of the public business.

The special counsel is authorized to issue regulations and to enforce the administrative prohibitions concerning political activity. Actions brought by the special counsel would be brought under the general disciplinary action procedures of 5 U.S.C. 1215. The Merit Systems Protection Board may impose any penalty provided by that section. Possible pen-

alties include fines, debarment from employment, removal, and reprimand.

FBI FIRST AMENDMENT PROTECTION ACT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EDWARDS of California. Mr. Speaker, today the gentleman from Michigan [Mr. CONYERS] and I are introducing legislation to establish a principle that should be self-evident: The Federal Bureau of Investigation should not be investigating first amendment activities—taking pictures at demonstrations, surveilling religious services, monitoring conferences—without some direct relevance to the investigation of criminal activity.

In most of its investigations, the FBI does focus on investigating criminal conduct. In most areas, it opens a case only when it has reason to believe that a crime has been or will be committed. But in the areas of counterintelligence and international terrorism, the FBI recognizes no such limits. It continues to investigate lawful activities of U.S. citizens who have contact with foreign nationals or who peacefully express support for foreign organizations.

In hearings last Congress, we learned that the FBI had been interviewing Amnesty International members who wrote to the Soviet Embassy in Washington complaining about the treatment of political prisoners in the Soviet Union. In the wake of the CISPES investigation, we learned that the FBI opened cases on individuals because they had attended a lawful meeting or the showing of a film. The GAO reported last year that the FBI had opened thousands of cases on similarly tenuous grounds.

Without a focus on criminal conduct, it is impossible for the FBI to define the scope and purpose of its own investigations. Not only is there a chilling effect on first amendment freedoms, but there is also a waste of investigative resources that could be used more productively. The CISPES case is a perfect example. The FBI monitored marches, meetings, rallies, conferences, and demonstrations without collecting any evidence of Federal crimes.

In drafting the bill we are introducing today, we have been careful to ensure that it will not tie the hands of the FBI. Therefore, we have adopted the very standard that the FBI has followed with great success since 1976 in all its investigations of domestic terrorism. Under this criminal standard, the FBI has not been hampered at all. To the contrary, it has been very successful, making important arrests and putting numerous members of terrorist groups in jail. Thus there is proof that the standards in the bill are not onerous.

The FBI's counterintelligence and international terrorism missions are important and will remain so, but elements of its operations in those areas are holdovers from the cold war era. The world has changed greatly and the FBI needs to keep pace. It needs to refocus its efforts to be more effective. The FBI's counterintelligence authority stems from a series of vague executive branch directives dating back before World War II. The standards in those orders need to be clarified, updated, and embodied in legislation. The best way to do so is through the criminal standard, which our bill would establish.

This legislation will not hinder the FBI from acting to prevent terrorist acts before they occur. Under our bill, if the FBI receives credible information that an individual or group is planning illegal activities, the Bureau could investigate. The bill merely says that the FBI could not investigate citizens merely because they have contact with a foreign national or express political support for the goals of a foreign entity.

The CISPES case, which the FBI itself admits got out of hand, occurred because the Bureau lacked clear guidelines on how to investigate groups that support international terrorism. Our bill has a simple rule: The FBI can investigate support activities that are criminal in nature.

Our bill also addresses the question of what to do with the files after a case is closed where the FBI improperly collected information on first amendment activities. The provision ensures that the records may not be circulated inside the Bureau and may not be disseminated outside the Bureau except to requesters under the FOIA and the Privacy Act. Thus, the records will be preserved for historical purposes and will be available to the record subjects, who have a right to know if they were subject to FBI surveillance.

Americans have a right to express peacefully support for anyone and anything, and they should not have the FBI looking over their shoulder. The FBI is our Nation's premier law enforcement agency. It should focus on what it does best, catching criminals, and spies.

THE FAIR CAMPAIGN ACT OF 1991

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ROTH. Mr. Speaker, I have introduced legislation to address one of the most serious problems facing our government today—the declining faith of the public in Congress.

We need to reestablish public trust and confidence in this institution—and we need to act swiftly. We can accomplish this goal to a large degree by finally undertaking comprehensive Federal election reform, because our campaign system is largely at fault for reduced public faith.

The Fair Campaign Act of 1991, which I introduced today, would allow House candidates to run without being rich or tied to special interests. It also would end the corrosive impact of negative campaigning by establishing an enforceable set of rules. This legislation also would close substantial loopholes in current campaign financing laws to give us a fairer, more competitive system.

The costs of campaigns are out of control, discouraging too many qualified men and women from running for office. I believe that candidates should be able to run and win because of their ideas and ideals, not the size of their campaign purse. That is why the Fair Campaign Act would establish a voluntary spending limit of $300,000 for a House candidate's primary and general election campaigns combined. As an incentive to reduce spending, candidates who comply with the voluntary limits would be eligible for reduced postage rates.

Furthermore, to reduce the influence of special interest groups in elections, the Fair Campaign Act would limit PAC contributions to $1,000 per election per cycle.

My legislation would also establish a Fair Campaign Practices Commission within the Federal Election Commission. The Commission, which would be comprised of eight members appointed by the President in consultation with the majority and minority leaders of both chambers, would develop a "code of fair campaign practices" to promote honesty and fairness in Federal elections and monitor the use of false or unsubstantiated charges in elections.

The Commission would monitor campaigns, investigate charges of unfair practices, and enforce the code in a timely manner through subpoena power and cease and desist orders, with access to Federal courts for injunctions. The Commission would have one year to issue rules on the code.

The Fair Campaign Act contains several other important reforms. The legislation would increase restrictions on election-related activities by corporations and labor relations. "Soft money" is banned and the use of labor dues in the political process would be restricted. The bill would also improve disclosure of independent expenditures and sponsors of unauthorized political advertising.

Mr. Speaker, to survive, a democracy must maintain an electoral systems that reflects the ideals of equality and fairness. Citizens must have faith both in their government and in the process of electing public officials. Unfortunately, the reality of today's campaigning, with its negativism and special interests, has led to an erosion of the American people's belief in our system.

I invite my colleagues in the House to join with me to adopt without delay a comprehensive campaign reform package that will restore that faith.

MAX PIEVSKY: A MAN OF ACCOMPLISHMENTS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BORSKI. Mr. Speaker, I rise to pay tribute to my dear friend, the Honorable Max Pievsky, on the occasion of his retirement from the House of Representatives of the Commonwealth of Pennsylvania.

Max was first elected to represent the citizens of the 174th legislative district in 1966, and for the last 14 years, he served with distinction as the chairman of the house appropriations committee.

Among his many accomplishments as appropriations chairman were: voluntarily open-

ing the house appropriations committee accounts to the public, sponsoring legislation creating a Medicaid fraud unit in the Commonwealth's department of justice, he authored the Pennsylvania budget reform code, providing urgently needed State funds for the Philadelphia public and nonpublic schools, obtaining additional aid for the education of handicapped and retarded children, fighting for appropriations to Philadelphia colleges and universities, and funding medical research for diseases like Tay Sachs, Lupus, and Spina Bifida. Max also sponsored legislation setting up the new State-operated Philadelphia Regional Port Authority.

Presently, Max is continuing his career in public service as a commissioner on the Delaware River Port Authority, where he commits his attention and energy to realizing the full potential of our port systems. Max also devotes his considerable talents as a member of the board of directors of the Philadelphia Association of Retarded Citizens, has served as a board member of the Philadelphia Port Corporation and of We The People 200, Inc. And he continues as the untiring and hardworking leader of the 54th Ward Democratic Executive Committee where he brings government closer to the citizens of his neighborhood.

Max is a member of the Equity Lodge, F&AM; the Ludwig Lodge of B'rith Sholom; the Steuben Lodge, Knight of Pythias; the Circle Square Club; the Pannonia Beneficial Association; and the Shomrim of Philadelphia.

Max and his lovely wife Shirley are members of the Temple Shalom Congregation. It is my deepest hope that Max and Shirley will enjoy the additional time they have to spend with their children and grandchildren.

Mr. Speaker, mere words are not sufficient to praise Max Pievsky for his work and dedication to the betterment of his neighborhood, the city of Philadelphia, and the Commonwealth of Pennsylvania. Thank you, Max.

And thank you, Mr. Speaker, for this opportunity to bring to the attention of this people's House some of the many accomplishments of Max Pievsky, a true man of the people.

CLAY SPONSORS LEGISLATION TO END THE PERMANENT REPLACEMENT OF STRIKING WORKERS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CLAY. Mr. Speaker, today I am introducing legislation to ban the permanent replacement of striking workers. The bill I am introducing is very similar to legislation I sponsored in the previous Congress, H.R. 3936, which had 189 cosponsors. The only difference in this year's bill is to include railway and airline workers in the bill's coverage.

When workers strike today for improved working conditions, there is a good chance they will lose their jobs. Permanently replacing workers who strike was deemed lawful by the Supreme Court in the Mackay Radio case. This deficiency in labor law has remained for many years, but has become especially serious in recent years as, increasingly, employers have not hesitated to effectively fire striking workers.

The problems spawned by the Mackay Radio decision were exacerbated by the Supreme Court's 1989 decision in Trans World Airways versus International Federation of Flight Attendants. In this decision, the Court departed from precedent and decided that employers could offer preferential benefits to strikers who cross picket lines and return to work. The Court condoned a practice it had earlier labeled inherently destructive of the right to strike.

The bill I am introducing reverses the Mackay Radio case and the TWA case by prohibiting the hiring of permanent replacements during a labor dispute and prohibiting discrimination against striking workers returning to their jobs once the labor dispute is over. This year's bill includes coverage of railway and airline workers so that the bill will apply to all private sector workers covered by the National Labor Relations Act [NLRA] and the Railway Labor Act [RLA].

Since 1935, the National Labor Relations Act has protected the right of workers to join unions and engage in collective bargaining. A key protection of the NLRA is the prohibition against firing workers for exercising their right to join or help organize a union. During a strike however, this protection loses its force. A strike is the one instance when it is legal to replace an employee for supporting union activity.

When the air traffic controllers struck in 1981, President Reagan fired the striking workers and proceeded to hire permanent replacements. His action gave the green light to similar actions by private employers. Since 1981, thousands of workers at Continental Airlines, TWA, the Chicago Tribune, Magic Chef, the International Paper Co., and many others have suffered the harsh experience of losing their jobs to permanent replacements when they exercised their right to strike. Repeatedly, we have seen communities torn apart as replacements take the jobs of an existing work force. The striking workers are legally helpless to do anything but look on as they lose their jobs.

Increasingly employers provoke strikes to exploit the weakness in the law. The Daily News strike in New York City is the latest example of how employers have tried to use strikes to get rid of their obligation to bargain. Provoking strikes undermines not only basic worker rights but also the stability of labor-management relations.

The effective right of workers to withhold their labor as leverage during negotiations is an essential element of our collective-bargaining system. As workers have felt increasingly unable to strike, faith in collective bargaining has been seriously undermined. Legislation is needed to restore confidence in the process which underlies all of labor law.

I commend this legislation to the attention of my colleagues and urge your support for it.

FOR REASONABLE IRS REPORTING REQUIREMENTS

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. JENKINS. Mr. Speaker, today I am reintroducing legislation designed to relieve hundreds of small businesses from the burdensome information reporting requirements imposed by section 6045 of the Internal Revenue Code. This legislation will clarify congressional intent concerning the type of transactions that are to be reported pursuant to section 6045, and it will relieve many small coin and precious metal dealers from the unfair treatment that has resulted from inconsistent Internal Revenue Service [IRS] Regulatory and enforcement efforts.

In 1982, as part of the Tax Equity and Fiscal Responsibility Act [TEFRA], the Internal Revenue Code third-party information reporting rules were broadened to require the filing of reports by securities brokers and others. The IRS, in March 1983, promulgated regulations for the reporting of transactions occurring on or after July 1 of that year. Less than a year later the Service recommended modifying the regulations. The proposed modifications conflict with the regulations promulgated in 1983, and to this day the Service has neither resolved the conflict nor progressed toward final action on this matter.

The IRS has indicated that the reporting requirements do apply to coin and bullion dealers and with respect to transactions of any size. Testimony received last year by the Oversight Subcommittee of the Senate Finance Committee, however, suggests inconsistent application and enforcement of the reporting rules. Some IRS enforcement agents require taxpayers to file 1099(b) information reports on all transactions, others may ignore the rules altogether, while still others apparently require the reporting of only those transactions valued above certain arbitrarily established limits, such as the value of 1 ounce of gold or of one silver coin. Taxpayers, therefore, have been placed in the impossible position of having to comply with reporting requirements, but of not knowing how to do so.

Testimony before the Finance Committee also indicated that the average cost to a dealer of reporting the subject transactions is $8. Reporting costs of very small dealers can be considerably higher. One small coin dealer in my district told me that his cost of reporting a single transaction is as high as $20. Small businessmen will either not engage in transactions were the costs of reporting exceed the profit to be earned, or they simply will not report the transactions and take their chances with the IRS. In a case that has been cited during the debate on this issue the IRS assessed a fine against a coin dealer who failed to file a 1099(b) report for the purchase of five pre-1963 silver dimes—a transaction valued at less than $5.

This is no way to do business. Third-party information reporting can be an important tool in tax administration, and the Congress has determined that compliance with the tax laws demands that the IRS require the reporting of

appropriate information. Taxpayers do not object to fair rules and regulations in this regard, but they have a right to know, with certainty, what the law is and how to comply with it.

The legislation I am introducing today will provide the necessary degree of certainty. It will define "broker" to exclude those who simply deal for their own inventory and it will exempt small transactions from the reporting requirements by establishing a per transaction reporting threshold of $5,000.

I believe that this proposal offers a fair and reasonable solution to this problem, and I urge my colleagues to join me in this effort. Mr. Speaker, I ask unanimous consent that the full test of the bill be printed in the RECORD immediately following my remarks.

CHILDREN OF SUBSTANCE ABUSE WEEK

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. HERTEL. Mr. Speaker, today I introduced a resolution to designate the week of February 10–16, 1991, as "Children of Substance Abuse Week."

The resolution follows:

H.J. RES.—

Whereas, according to the National Association for Children of Alcoholics, there are over 28 million children of alcoholics in the United States, with approximately seven million under the age of 18. These children represent the innocent victims of alcohol addiction;

Whereas alcohol costs our society an estimated $85 billion each year;

Whereas scientific evidence supports that alcoholism tends to manifest itself in families. Children of alcoholics run a two to four times greater risk of developing an addiction to alcohol or other drugs;

Whereas in more than 65 percent of all reported child abuse cases, alcohol abuse by the parental figure was the single most significant factor;

Whereas children of alcoholics exhibit symptoms of depression and anxiety more than children of non-alcoholics;

Whereas young children of alcoholics are more likely to have difficulties in school, such as higher rates of truancy, school drop out and are referred to school authorities and counselors more often;

Whereas by bringing attention to the plight of the children of alcoholics, of all ages, we will be offering hope and encouragement for these innocent victims of this disease and we will be taking a significant step forward towards ending the generational cycle of addiction;

Whereas this resolution seeks to raise the level of public and professional awareness on behalf of the families and children effected by addiction;

Whereas a national week of recognition would give local, state and national organizations the opportunity to sponsor events to break the silence often surrounding familial alcoholism; Now, therefore, be it

Resolved by the House of Representatives and the Senate of the United States of America in Congress assembled, That the week of February 10–16, 1991, is designated as "Children of Substance Abuse Week", and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

PROTECTING THE MORTGAGE INTEREST DEDUCTION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mrs. ROUKEMA. Mr. Speaker, today, along with my colleague from Oregon, Mr. AUCOIN, introduced a resolution putting Congress clearly on record as favoring protection of the Federal mortgage interest deduction. During the previous Congress, 250 of our colleagues in the House joined us as cosponsors.

As the ranking minority member of the House Subcommittee, I believe the mortgage interest deduction is a vital component of our Nation's housing policy. It is crucial to the economy as well as to the hopes and dreams of millions of American families. In fact, as a report of a major housing association stated last year, "The mortgage interest deduction may well be the most important tax policy in America today and it has been the cornerstone of housing policy for most of the century."

Despite the overwhelming support of our colleagues who cosponsored this legislation, the solid support of American homeowners and housing industry, the mortgage interest deduction was violated on the altar of budget summitry. Make no mistake, the limitation on the personal interest deduction in the quest for additional revenue was a direct assault on the mortgage interest deduction.

Very soon, the President will propose a new Federal budget for fiscal year 1992. And, while the budget process should more effectively control spending and revenues, and does demand a pay-as-you-go process, the deficit will be larger than anticipated last October and the pressure for additional revenue to offset the deficit increase, the cost of the Persian Gulf deployment, and perhaps additional costs for the savings and loan bailout, will force the tax writing committees to seek more revenue. I am concerned that the nose of the camel is now under the tent and that soon the floodgates will be open on a renewed and devastating assault on this deduction.

For this Member, there is not higher priority than dealing with the deficit. I am eager to work with others, if necessary, to craft alternatives for any increase in revenue we must need. However, to those who are considering again attacking the mortgage interest deduction as a way of gaining revenue, I say, "Do not; look elsewhere."

It is unfortunate that further consideration of limiting the deduction would come at a time when the housing industry is already suffering and when the real estate market is in such a slump. We all know that while home prices have recently leveled off, the increase in the cost of housing over the last 10 years had been greater than the increase in family income. For the first time in half a century, the percentage of people in this Nation owning their own homes has shown a steady decline. Young families trying to capture their share of the American dream are finding that harder to attain.

There is no question that homeownership is an essential underpinning of the American family. For most American families the purchase of a home is the largest investment they will ever make. In fact, owning a home is, for many of us, the American dream. The economic security and stability for the family will be threatened if the mortgage interest deduction is attacked.

Indeed, we should not even contemplate a further assault. Rather we should be doing everything we can to encourage further incentives to invest in homeownership.

The legislation introduced today is intended to protect the American family and head off any potential new assault on the American dream. I have great confidence that a large majority of the House agrees with me on this issue.

GUAM COMMONWEALTH

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BLAZ. Mr. Speaker, when the 101st Congress convened 2 years ago, the world was a very different place. No Member sworn into the Congress that day contemplated that all 15 republics in the Soviet Union would in so short a period of time be clamoring for political self-determination. Eastern Europe was a distinct political entity, and nowhere was the division between the two Europes more clearly etched than in the division of the two Germanys. That, of course, has all changed. And changed, too, is the balance in the Middle East where 500,000 U.S. troops are now poised to guarantee freedom and political self-determination for the people there.

In all of this, the United States has clearly played a major role. We are seen as the champions of freedom throughout the world, and once again we have provided the courageous leadership expected of us and which we expect of ourselves.

On the opening day of the 101st Congress, I introduced the Guam Commonwealth bill to extend political self-determination for the people of my territory. While we made great progress as is attested to by the 211 House Members who signed as cosponsors in the last Congress, sadly, that bill must be reintroduced today. Again, we must grapple with the rights and needs of a people—American citizens—who became a part of the American democratic system not as a result of the Vietnam war, the Korean conflict, World War II, or World War I, but rather, as the result of the Spanish-American War over 92 years ago. Last year, we passed a comprehensive immigration bill that essentially opens our doors widely to those throughout the world wishing to enter our shores as full-fledged citizens. As American citizens, Guamanians, of course, are not eligible to enter as immigrants. At the same time, as American citizens from the territories, we do not enjoy the full rights and privileges extended to and enjoyed by other Amer-

icans. Ironically, our governmental system makes it easier for former strangers and former enemies of our country to immigrate and in a relatively short period of time to enjoy full citizenship than it is for us who have stood in line for 100 years. This is a sad commentary on our inability to take care of our own.

After almost a century, we do not want fellow citizens of our country to be our wardens; nor do we want to be their wards. We do not want to walk in front of our fellow citizens; nor do we want to walk behind them. We merely wish to walk alongside all.

Toward fulfilling our quest, we have worked hard and have made great strides. One leg of our triad is economic self-determination which is essentially a reality in our territory based on our flourishing tourism industry. Another leg is cultural self-determination, the establishment of a multiracial, multicultural community, which is also being fulfilled. And insofar as we could, insofar as the Congress has permitted us, we have even made strides in political self-determination—rising from a naval protectorate with an appointed Governor and a merely advisory legislature to a political entity where the Governor, the legislature, and the Delegate to Congress are freely elected and self-rule, though limited, is a fact.

But our government is still an imposed one dictated by the fiat of Congress. And our relationship with the United States is not one freely chosen, but one decreed by the treaty provisions with a foreign country.

Therefore, logically, the centerpiece and the strongest leg of our triad and the one which coalesces the other aspects and gives them strength is true political self-determination. In our case, we are seeking that through a commonwealth relationship with the United States.

What commonwealth will achieve for Guam is an end to these inequities. We seek only simple justice and simple equality. We want the same rights as the immigrants from Eastern Europe, Southeast Asia, and throughout the world whose diversity is continuing to make America the great Nation it is. We want to join with them in saying, "Yes, America, we want to be with you. We want to be a part of you. We want to contribute our share." But this can only be said when Congress extends to us, members of the family for so long, the same rights and privileges we grant so generously and so proudly to millions of others throughout the world.

THE FINANCIAL INDUSTRY REFORM AND CAPITAL ENFORCEMENT ACT

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BARNARD. Mr. Speaker, every Member of Congress is aware that we have serious problems in our financial services industry. While the commercial banking industry and its insurance fund has received the most recent headlines, problems in the insurance industry are also starting to get attention. In today's Wall Street Journal, it was reported that the securities industry is expected to post its worst results since 1974.

We cannot protect the deposit insurance funds and make our financial services industry competitive unless Congress acts aggressively to restructure the industry so that it can attract the capital it needs to compete in the global marketplace. Of course, our immediate concerns are the losses to the bank insurance fund. We can take two approaches to dealing with the losses. First, we can panic and use taxpayer capital. We can substitute intense regulation which suppresses market forces and takes the place of private capital. None of these will help the overall competitiveness of the financial services industry, let alone the taxpayer. The second approach would be to change the competitive structure of the industry such that it attracts private capital and places it at risk, combined with a system of aggressive regulation that guides market forces.

Today I am introducing, along with my colleagues Mr. BARTLETT, Mr. FRANK, Mr. LAFALCE, Mr. CARPER, Mr. DREIER and Mr. BAKER, the Financial Industry Reform and Capital Enforcement Act, which embodies the second approach. This bill is substantially the same as legislation that we introduced in the last Congress as H.R. 1992. Our proposal establishes a reciprocal structure for competition in the financial services industry while providing a tough capital enforcement mechanism that provides for early intervention while solving the problem of too big to fail. It is not an expanded powers bill for banks. It does not favor one financial services industry over another. It will attract desperately needed commercial capital to the financial services industry. It provides for functional regulation of the financial services industry. It is a fair bill that protects the taxpayer and assists the economy. I urge my colleagues to give the proposal careful consideration to join us in cosponsoring a solution to this urgent problem.

IN RECOGNITION OF HON. MIKE CARR UPON RETIREMENT FROM 28 YEARS SERVICE AS CHANCERY COURT JUDGE

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the "people's chamber," to speak in honor of a great citizen of my district, the Honorable Mike Carr.

Judge Carr was elected chancellor of the 15th chancery court district of Mississippi in 1962 and completed seven terms as chancery judge. He retired from the bench on December 31, 1990, and assumed senior judge status.

Judge Carr was born on December 5, 1920, in Clinton, NC. He received a bachelor of arts degree in 1946 and a bachelor of laws degree in 1949 from the University of North Carolina. He is married to the former Mary Helen Field of Centreville, MS. They are the parents of Helen (Cakie) Waltman and Julie Chadwick, and have five grandchildren.

Judge Carr enlisted in the Army Reserve in 1942 and served on active duty from 1943 to 1946. He was appointed in 1949, and served 2½ years, as law clerk to the Honorable Edwin R. Holmes of the U.S. Fifth Circuit Court of Appeals.

Entering the private practice of law in my hometown of Brookhaven, MS, in 1951, Judge Carr has been a productive and honored member of the community for many years. He was elected district attorney of the 14th judicial district of Mississippi in 1955 and served in that position until his election as chancery court judge.

Judge Carr has been very active in community and church affairs. He is a fellow member of Faith Presbyterian Church, past-chairman of the board of trustees of Belhaven College, past-president of the Brookhaven Kiwanis Club, of the Brookhaven-Lincoln County Chamber of Commerce, of the United Fund of Lincoln County, and of the Mississippi Judicial College. He is a member of the North Carolina, Mississippi, and American Bar Associations.

It is an honor to pay tribute to this high calibre individual who has contributed so freely and generously to the State, district, and city that he chose to call home.

HONORING JUDGE THOMAS R. RUMANA OF THE PASSAIC SUPERIOR COURT OF NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. ROE. Mr. Speaker, it is with a very special sense of pride and friendship that I rise today to honor a distinguished American who has served the State of New Jersey for 18 years as a judge of the highest caliber and finest distinction. Judge Thomas R. Rumana tirelessly strived to ensure that the quality of justice dispensed by his court was not eclipsed by the overwhelming quantity of cases before him.

For his unflagging devotion to his office and the sacred trust bestowed upon him, his friends and colleagues will honor him on the occasion of his retirement from the bench. A special dinner commemorating his excellence in public service will be held on January 18 at the prestigious restaurant The Tides in Haledon, NJ, to celebrate Judge Rumana's distinguished record and exemplary conduct while serving the people of the State of New Jersey.

Mr. Speaker, I have known Tom for 55 years, since our days at Camp Altaha in the Boy Scouts, where he displayed his first notes of judicial discretion by sounding reveille wake-up calls every morning as our camp bugler. It was that same year that the future Judge Rumana had his picture taken on the steps of the Paterson Courthouse and was advised by a family friend to study law. This was the same courthouse where he ultimately would spend so many late hours toiling over his judicial responsibilities.

Born and raised in Paterson, NJ, his parents, Louis and Elsie Rumana, ran a tailoring shop on Clark Street. In addition to his bugling talents, Tom was renowned as a basketball

and football star at Paterson Central High School and Paterson State College, now known as William Paterson College. Judge Rumana left college in 1942 and entered the Army, serving through the end of World War II in the European campaigns.

Upon his return, he finished his undergraduate education in 1947 at Rutgers University. Judge Rumana went on to obtain his juris doctor degree from Dickinson School of Law in 1949 and was admitted to the New Jersey Bar in 1950, and was admitted to the Bar of the U.S. Supreme Court in 1958. In addition to his outstanding career accomplishments, Tom is known for his easy smile and sartorial splendor.

During his 22 years in private practice, Tom also made time to hold public office serving as deputy city treasurer in Paterson from 1955 to 1970 and after moving to Wayne was elected president of the Wayne Township Governing Council.

In 1972, Judge Rumana was appointed to the Passaic County District Court and later the New Jersey County Court of Passaic County. He served there until being appointed to the New Jersey Superior Court in 1976 and was reappointed by Governor Kean in 1983. During his term on the bench, he was assigned to the civil courts for 11 years and spent 7 years overseeing the criminal courts.

Throughout his career on the bench, Judge Rumana was known for his impeccable integrity and his strenuous efforts to be fair in all his judicial judgments. Attorneys from both sides of the aisle, staff, and law enforcement officials all agree, Judge Rumana possessed the one quality most essential for a judge: he is a good listener. Tom is well-known for his insistence on excellence and giving every case the attention it demanded. This led to late nights in chambers and working on countless weekends.

Even in cases charged by high emotion, Judge Rumana's demeanor was remarkably calm. He was not swayed by popular moods or pressures. He always based his decisions on the Constitution and the laws of the State. A public defender who argued the Crescente case before him, a particularly high-profile case involving the murder of a municipal court judge, said of Judge Rumana,"The man's integrity is complete. There are no breaks in the armor of his principles."

Tom has been supported throughout his career by his lovely wife Marilyn, to whom he has been married for over 30 years. And I know, they are both very proud of their son Scott, who is nearing the completion of his own law degree studies at New York Law School.

Mr. Speaker, it is rare that a Member of the U.S. Congress has a chance to come before the House and honor such a man as Judge Thomas R. Rumana. What makes this occasion even more uncommon and of special significance is the fact that Thomas Rumana is my lifelong friend. He has been a valued companion and confidant for these many years, and he is worthy of all the accolades that may be bestowed upon him.

Mr. Speaker, I am proud to take this opportunity to share with you and all my colleagues here in the House this moment of deep gratitude to a man who can truly be recognized in our Nation as an example to us all of what public service should mean. Judge Thomas Rumana personifies the dedication and sacrifice which such service demands. I am proud, honored, and privileged to call him my friend.

TRIBUTE TO MADAME GIULETTA SIMIONATO

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GUARINI. Mr. Speaker, on February 1, 1991, I will have the great privilege of honoring Madame Giuletta Simionato, world-famous mezzo soprano during A Gala Salute to Italy and the Americas at Carnegie Hall. Madame Simionato's contribution to the musical tradition and cultural heritage of her people brought great happiness to millions of opera lovers around the globe during her 30 years as a singer. Twenty-five years after her farewell to the stage, Madame Simionato continues to inspire a new generation of performing artists. Four of these young people will be lauded at Carnegie Hall as winners of the Second Enrico Caruso International Voice Competition, USA—Ms. Mayda Prado, Ms. Yan Yan Wang, Mr. Kim Alan Josephson, and Mr. Rick Moon. They have been influenced strongly by the past work of many great singers, and they have a true living legend in Madame Simionato, who serves as honorary Chair for the competition.

This beloved mezzo has sung well over 50 roles during her career, but is perhaps best remembered for her portrayal of Santuzza in "Cavalleria Rusticana" by Pietro Mascagni, which celebrates its 100th anniversary this year.

On May 1, 1990, a bronze sculpture depicting Madame Simionato as Santuzza was dedicated in her honor to the Metropolitan Opera by Inter-Cities Performing Arts, Inc. Inter-Cities, a cultural and philanthropic organization founded by Mrs. Carmela Altamura, based in Union City, NJ seeks to bring people of all ethnic backgrounds together through the arts. Since its inception in 1985, Inter-Cities has encouraged the work of numerous promising talents throughout Hudson County and the greater New York/New Jersey area. Its mission is to cultivate a new generation of performers and to educate the public on the need to maintain the artistic and cultural life of our nation. Inter-Cities' efforts have increased significantly at a time when many other companies have folded. This is almost entirely due to the indomitable spirit of the organization's founder.

Mrs. Altamura, a woman of many talents, as singer, philanthropist, community activist, and mother, fills a gap in the cultural and artistic fabric of Hudson County by providing an abundance of performance opportunities to local artists, dance troupes, singers, and musicians. Her own recitals and musical endeavors have expanded the awareness of local businesses and institutions to the ever growing need for private support and funding of the arts. We are all very grateful to her for her unfailing dedication to this essential task.

In keeping with this vision, Inter-Cities Performing Arts Inc., invites regional and international performers in addition to local artists to participate in its Enrico Caruso International Voice Competition, USA. This event was held for the second time this past April in the chambers of Jersey City mayor, Gerald McCann. It drew over 100 contestants from all over the United States, Europe, South America, and as far away as China. The three top winners were awarded over $10,000 and will have the opportunity to sing on February 1 as featured artists at Carnegie Hall during A Gala Salute to Italy and the Americas.

Carnegie Hall will become a place of great festivity for the Italian American community and all music lovers on February 1, 1991, as Inter-Cities presents an evening of spectacular orchestral, choral, and operatic experience. They will celebrate a longstanding, rich tradition of musical expression shared by people on both sides of the Atlantic with Madame Simionato, the winners of the Second Enrico Caruso International Voice Competition, USA, the New Chamber Orchestra of New York—conducted by Gisele Ben-Dor, the Inter-American Violin Quartet, and piano soloist Cristina Altamura and the Villa Victoria-Walsh Academy Choir. The contributions of great musicians like Mascagni and his "Cavalleria" will be recalled by Madame Simionato and they will applaud and extend a hand of welcome to the young artists of tomorrow.

I wish to congratulate Madame Simionato for her many achievements and I would like to express my deep appreciation for her involvement with Inter-Cities. I would also like to extend my heartfelt thanks and warmest wishes to Mrs. Carmela Altamura and to all of the members of Inter-Cities whose untiring efforts in the arts give so many upcoming professionals the chance to be heard.

CAMPAIGN FINANCE REFORM

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GREEN of New York. Mr. Speaker, it is most unfortunate that the 101st Congress adjourned without adopting credible campaign finance reform legislation. The American people deserve real reform. Congress must refrain from idle rhetoric that promotes special interests and protects incumbents. To make our representative government work, it is important that the Congress owe its allegiance to the American people, not to PAC's and special interest groups.

The soaring costs of congressional campaigns continue to trouble both the public and Congress. In light of the escalating costs and continued moves to restrict fundraising capabilities, I believe that it is time Congress consider voluntary and limited public financing. Today, I am reintroducing legislation which seeks to amend the Federal Elections Campaign Act of 1971, by providing for voluntary and limited public financing of congressional general election campaigns. I do this at a time when public distrust and skepticism with regard to the electoral process is at an all time

high. I believe that public financing can be instrumental in increasing competition and reducing public cynicism by creating a competitive electoral system that will give little-known challengers some of the advantages of incumbents.

Under my proposal, a candidate, upon raising a specified amount of money in small contributions of $180 or less from individuals within his or her own State, would be eligible for a matching Federal contribution. Under this approach, the primacy of the individual contributor is stressed and PAC money is rendered less attractive. All Federal matching funds would be raised through the voluntary income-tax check-off.

The legislation would restrict candidates who accept public financing to the use of no more than $51,000 of personal funds as well as limit overall campaign spending for the general election to $305,000—half of which could come from public financing. While the Federal Election Commission data for the 1990 general election cycle is unavailable at present, the average general election for a House seat cost close to $260,000 in 1988. The $305,000 spending cap is higher than the 1988 average. In addition, the bill waives spending limits for eligible candidates whose opponents have spent sums exceeding the spending limit. This will protect a candidate from having the election bought by a free-spending opponent. All figures were originally adopted from legislation introduced by the Honorable Abner Mikva in 1979, and have been revised to reflect inflation. This proposal also provides for continual indexation of spending limits and other relevant dollar figures.

The legislation would establish eligibility criteria entitling candidates to receive campaign funds on a matching basis. Similar to current law, the criteria require submission of campaign records, including all contributions and expenditures, to the Federal Elections Commission. My proposal would also require the FEC to certify the eligibility of candidates to the Secretary of the Treasury, who would disburse the funds.

I encourage my colleagues to give serious consideration to voluntary and limited public financing. Public financing is an important concept. It opens up the opportunity to seek office to people of all economic backgrounds and political ideologies. It protects Americans from having their ballots filled with the names of only the wealthy and those who would owe tremendous legislative debts to the special-interest groups that helped finance their campaigns. Public financing is insurance for the political well-being of our system of representative government. Let us join together to remedy public skepticism and reinvigorate electoral competition. Let's show the American public that we are for reform and not for sale.

STUDENT LOAN AFFORDABILITY ACT

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. PRICE. Mr. Speaker, our Nation has led the world in the quality of our colleges and universities and in extending opportunities for postsecondary education to all of our citizens. We have opened our educational doors continually wider to allow students from all economic backgrounds the opportunity to pursue a higher education. And today we are acutely aware of the importance of available and affordable education not just to the quality of life of individuals but to our Nation's ability to compete in a global economy.

Unfortunately, far too many young people today are opting not to pursue a college education or postsecondary training because of the financial burdens involved. This situation results from a combination of rapid increases in college costs and a trend toward using loans as an ever larger portion of student financial aid. The Wall Street Journal reported today the crushing burden that college students are now facing. Currently, 4.5 million students are borrowing money for their education, nearly double the number of a decade ago. The average debt is $6,810 for a public-college graduate and $10,000 for a private-college graduate.

Prior to the Tax Reform Act of 1986 we recognized the importance of making the interest paid on student loans tax deductible. This situation must be restored if we are to maintain our Nation's commitment to educational opportunity for all. This is why I, along with my colleague Martin Lancaster, am introducing today a bill to restore the tax deductibility of student loan interest.

Our bill also restores the full tax exempt status for scholarships and fellowships that used to exist. Colleges and universities offer scholarships covering both tuition and room and board, and making part of this money taxable merely reduces the effectiveness of scholarship programs and the number of scholarships that would otherwise be available. As a former graduate school faculty advisor, I know these changes reduce the number of scholarships available for all students and decrease the worth of the scholarships for those who are lucky enough to get them.

No one questions that tax incentives for higher education are an investment in America's future. The time has come to amend the Tax Code to restore these important educational incentives. On behalf of myself and my distinguished colleague, MARTIN LANCASTER, I urge our colleagues to join us in cosponsoring this legislation to ensure that all students will have the opportunity to pursue a higher education.

[From the Wall Street Journal, Jan. 3, 1991]

STUDENT LOANS WEIGH DOWN GRADUATES

(By Joan E. Rigdon)

When Liam C. Floyd enrolled in Boston College Law School in 1988, he wanted to work for a district attorney's office.

Now he's interviewing with bankruptcy firms. The reason, he says, is purely financial. About to graduate with $51,000 in student loan debt, the 28-year-old Mr. Floyd figures he needs a more lucrative job to meet his $550 monthly payments.

"A lot of people like me have to really think about making a lot of money right away," he says.

Mr. Floyd's plight illustrates a problem faced by a growing number of graduates. Setting foot in a tight job market with highly leveraged diplomas, many people feel they simply can't afford lengthy job searches or slow starts in their careers. Their debt burdens are crimping not only their career plans but also their life styles, encouraging some to move back in with their parents after graduation.

INCREASED BORROWING

As grants diminish and tuition increases continue to outpace inflation, student loans are playing a bigger part in financing higher education. The number of student borrowers nearly doubled to 4.5 million in the fiscal year ended last September from a decade earlier, and the amount borrowed, adjusted for inflation, rose 61% to $12.35 billion, according to the Department of Education. Total average indebtedness for students who graduated in 1986, the most recent year for which the department has figures, was $6,810 for public-college graduates and $10,000 for those coming out of private schools.

Paying back student loans is most painful for young graduates in law and medicine, because schooling in those fields is so costly, and social work and education, because pay in those fields is low.

College students are widely perceived as deadbeats who don't repay their loans. But in fact, many defaults, which totaled $2.4 billion in the fiscal year ended last September, result from trade-school loans. The Department of Education says students from trade schools had a 26.9% default rate in fiscal 1989, compared with 6.1% for students from public four-year colleges and 5.7% for private four-year colleges.

Many recent graduates say they couldn't have gone to college without the loans, but not all of them realized their debt would be so burdensome. Student borrowers today must go through interviews when they enter school and before they graduate to make sure they are fully informed, but many people who went to college before the mid-'80s didn't have as much counseling. A 1988 study by the Massachusetts Higher Education Assistance Corp. found that 10% of 1,300 recent college graduates in the state said the debt caused them so much hardship that they wished they had never taken out the loans. About 20% said their debt levels forced them to postpone big-ticket purchases.

The debt burden "is a problem," says Joseph M. Cronin, president of the Massachusetts education agency. "But it's a problem that Congress can address" by lightening the load for the needy.

HELPING BORROWERS COPE

To be sure, student borrowers already can find help. They have a six-month grace period after graduation before their first payment is due. Deferments are available for people in a variety of circumstances, including those who are unemployed and those who continue their schooling. Some banks allow students to lower their monthly payments by consolidating their debts and extending the repayment period. Law students who want to serve in public-interest jobs can compete for loan-forgiveness grants through their schools. And teachers who choose to teach in low-income neighborhoods can have their loans forgiven.

But some educators say more needs to be done to lighten students' debt loads. Mr. Cronin suggests subsidies or loan-foregiveness plans for needy borrowers. Some say the U.S. should emulate loan programs of countries such as Germany, where students don't have to start paying back loans (which cover living expenses, because tuition there is low) until five years after they graduate.

Mr. Floyd would have welcomed such a program. In 1987, with a bachelor's degree in English literature and $15,000 in student loans (his monthy payments then were $150), he decided he couldn't afford to apply for $6-an-hour entry-level positions with publishing houses. Instead, he postponed his career by taking a job as a sheet-metal fabricator.

"A lot of students have this dream that they get a job at a really big firm, work their butts off for a couple of years, make $70,000 a year and then quit and do something they want to do," Mr. Floyd says.

So far, studies based on limited surveys of student borrowers suggest that the debt burden generally doesn't influence career decisions. "There's not a lot of evidence that very many people's career choices are being affected," says the College Board's director of policy analysis, Janet Hansen, who prepared a student debt study for Congress in 1967. She adds, however, that there isn't enough data on the subject to dismiss concerns about student loans influencing job plans.

Even some students who endured hardship to reduce their dependence on loans feel heavily burdened. Consider 25-year-old Eileen McManus, who in May graduated with a master's in social work. The debt she took on for her undergraduate degree, from Stanford University, and her master's, from the University of California at Berkeley, topped $25,000.

To reduce her borrowing while in graduate school, Ms. McManus worked 36 hours a week, gave up her apartment and rented the enclosed back porch of a friend's house for $200 a month. "I slept on the floor inside in the winter," she recalls. "It was too cold outside."

Using discounted airline tickets she received through a credit-card promotion, Ms. McManus interviewed for jobs on the East Coast and found one employer that seemed right: a residential care facility in Massachusetts.

But the job paid only $18,000 a year. "At first I was shocked," Ms. McManus says. "Then I became very angry. I thought, 'Oh my God, how am I ever going to make do with that?'"

She turned down the offer, moved in with her parents in Nashua, N.H., and worked as a lifeguard while looking for a job. Now she earns $25,000 a year as a social worker at a Nashua hospital, where she counsels outpatients. Her goal is to work for a residential facility.

With student loan payments of $350 a month, she is still living at home, limiting her entertainment to renting vidoes. "Somehow when I left school I expected my standard of living to go up a little bit," she says. "It hasn't."

Tough economic times will exacerbate the problem. "Things are going to get worse before they get better," says Saul Schwartz, an economics professor at Tufts University and a specialist on student debt. "In a recession, many more people will be unable to meet student loan payments."

One such graduate is Kelley Stark, an illustrator with a bachelor's degree in fine arts from Carnegie Mellon University. Ms. Stark, 23, graduated in May with $20,000 in debt, which will mean monthly payments of about $200. She had no luck finding a job, even though her resume included an internship with Della Femina, McNamee, a big New York advertising agency. Because she was unemployed, she had the grace period on her loans extended three months to February.

Unable to pay rent, Ms. Stark decided to move in with her brother, who was recently laid off from his job in Cynthiana, Ky. When he drives to Ohio to look for work, Ms. Stark rides along to scout out her own job possibilities.

"I'm going to keep looking in the illustration field," Ms. Stark says. "But if I don't find a job in a month or two [when her grace period expires], I'm just going to have to take anything I can get my hands on. My credit cards are screaming for mercy."

THE 75TH ANNIVERSARY OF FLUSHING HIGH SCHOOL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SCHEUER. Mr. Speaker, the Flushing High School was the very first high school in what are now the New York City limits, and was founded in 1875 with only seven students. Originally on the corner of Union Street and Sanford Avenue, this year it celebrates the 75th anniversary at its present location on Broadway at Whitestone Avenue where it moved in 1915.

The era after World War I saw a dramatic increase in the recognition of the importance of education, and the high school populations soared from the hundred's to the thousands.

Flushing High School's population grew so fast, that annexes and double-sessions were used over the years to make room for all students and continue to provide quality education. After Bayside High School opened, the annexes were closed, and a new wing was added to Flushing in 1954, while the old section was modernized. A new gymnasium was added in 1972.

After years of painstaking effort by the community, led by city school board member Rupert B. Thomas, to get the "old high school" moved to its current location, the people of Flushing prevailed.

Mr. Speaker, from the first graduating class of six in 1876, through the thousands and thousands who have proudly exited the doors of Flushing High School since, generations have included this school as an integral part of their lives.

Flushing High School has been a landmark in many ways: in trying, and succeeding, in bringing education and future success to our children, in being a cornerstone of the Flushing community, an ever-diverse, ever-growing, ever-changing neighborhood, and the building itself is a near landmark for Queens and for New York. The original principal of the new school, John Holley Clark, stated about the structure designed by C.B.J. Snyder in 1915: "The building of symmetry, stateliness and impressiveness is unsurpassed and is justly the admiration and pride of Flushing."

Mr. Speaker, I join Principal Jay Cohen, and my other friends and neighbors in Flushing in saluting the re-dedication of Flushing High School on the 75th Anniversary at its present sight. We all look forward to many, many more years of Flushing High School providing leadership education and community service.

COST-OF-LIVING ADJUSTMENTS FOR SERVICE DISABLED VETERANS

GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. KLECZKA. Mr. Speaker, I rise today in support of a cost-of-living adjustment [COLA] for service disabled veterans.

Last year, the 101st Congress adjourned without approving the Agent Orange Exposure and Vietnam Service Benefits Act (H.R. 5326). This essential measure included a cost-of-living increase for America's 2.5 million service disabled veterans. While Federal employees and Social Security beneficiaries received a COLA, veterans were denied this well-deserved benefit due to disagreements over the agent orange compensation provisions included in this bill.

Disability compensation is an effective way for our Nation to reimburse veterans for the earning capacity they lost due to disabilities suffered while serving in the military. Compensation also expresses our gratitude to the men and women who risked their lives in defense of our country.

Moreover, as tensions in the Middle East escalate the number of men and women serving in the Armed Forces will increase. Now is the time to show these brave individuals that we support our military, not just with words of praise but with positive actions.

Compensation COLA's are not automatic; instead, it is the duty of Congress to enact new COLA's each year. Immediate enactment of COLA legislation for service disabled veterans will provide them with the compensation they deserve and prove to all military personnel, both past and present, that we stand behind our military.

Today, two bills to give service disabled veterans the COLA they deserve will be introduced. I have cosponsored these bills and urge my colleagues to join me in supporting these important measures.

THE ADVANCED TACTICAL FIGHTER FOR THE 21ST CENTURY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. DORNAN of California. Mr. Speaker, in the last Congress, we witnessed remarkable changes in the Soviet Union and Eastern Europe. These changes could well portend a new security relationship between NATO and the Warsaw Pact nations. However, until such a new relationship can flower, it is prudent to

maintain an effective, modern deterrent force. As the events of August 1990 clearly demonstrate, the world is still a very dangerous place.

In fact, it is entirely possible that the 1990's will be a chaotic decade as more and more nations strive to shake off the chains of dictatorial rule. While the Soviet Union is turning its attention inward, it still will retain a significant strength. We also cannot lose sight of the fact that the Soviet Union continues to modernize its weapons systems and those weapons, in turn, are exported to many of the troubled regions of the world.

Mr. Speaker, it is imperative that even as we draw down our military forces in response to the changes occurring in the Soviet Union, we maintain our technical edge in key military systems. In particular, the United States must keep its tremendous lead in air superiority weapons and never allow itself to relinquish its tremendous lead in critical aerospace design and capabilities. This is the bottom line of an excellent paper prepared by the Air Force Association's Science and Technology Committee, entitled "Why the ATF: Critical Capabilities for the 21st Century." I encourage all my colleagues to read this timely and important analysis.

WHY THE ATF?

[Critical Capabilities for the 21st Century (Abridged)]

EXECUTIVE SUMMARY

The Advanced Tactical Fighter[1] is needed to assure the ability of the US Air Force and Navy to establish air superiority over tomorrow's battlefields.

Air superiority remains a critical military mission. It is central to a full range of military capabilities, including projection of sea and land forces, close air support, air interdiction, and freedom of maneuver for US ground forces. In future conflicts, US air forces will face sophisticated Soviet and non-Soviet aircraft and air defense systems that are capable of challenging current-generation US fighters for air superiority. These systems have been exported in substantial numbers to nations that oppose US interests. At least in the initial phases of a conflict, US fighters may well have to fight outnumbered. The challenge is compounded by the development of a new generation of Soviet aircraft that will exceed the capabilities of today's US fighters.

The ATF will restore unambiguous US technological superiority in fighter aircraft. Its advanced engines and aerodynamic design will result in unmatched speed, acceleration, maneuverability, and range. Its stealth technology and advanced avionics will allow US pilots the "first look/first shot" of the battle, even against next-generation enemy aircraft. Its reliability and maintainability will require less logistics support. The ATF thus will allow US air forces to achieve surprise, take the initiative, prevent opposing air forces from regenerating their operations—and maintain air superiority in the 21st century.

Over the past year, defense decision-makers have been on an intellectual roller coaster. The federal deficit has Congress and the Administration scrambling to find programs, both domestic and defense, that can be cut without serious political ramifications. The amazing, almost daily changes in the Soviet Union and Eastern Europe have fed the perception that US defense needs have abated dramatically. Now the Iraqi invasion of Kuwait, placing that nation's dictator a tank ride away from controlling half of the world's oil reserves, has led to the biggest commitment of US forces in a generation.

These developments complicate efforts to resolve questions about the future requirements for US military forces. What threats must they counter? How big should they be? What kind of weapons do they need?

No weapons program is more profoundly affected by these deliberations than the Advanced Tactical Fighter (ATF). The ATF is being developed as the next-generation air superiority aircraft to replace the F-15 fighter. The Navy version of Advanced Tactical Fighter (the NATF) will start to replace the F-14 several years later. These planes are intended to fight and survive in a very high threat environment, typically deep into enemy airspace, seeking to destroy enemy air assets and disrupt enemy air operations. "High threat environment," in the case of the ATF, has often been read as "Europe" and "enemy" often defined as "the Soviet Union." The argument is now made that if the Soviets have withdawn from Eastern Europe, arms control agreements reduce or eliminate Soviet numerical advantages in aircraft, and the chance of a war in Europe seems so remote, then the ATF is unnecessary.

While this contention is plausible on the surface, it is incorrect. To see why involves a clear understanding of the role of the ATF, the threats the nation and its military forces must still meet, and what new capabilities the ATF will bring to the field that are needed to fulfill its mission. The following points stand out most clearly:

The ATF will perform as essential military mission—air superiority.

Threats have evolved, and continue to evolve, that will require the application of military force.

Continued technological growth of adversarial aircraft jeopardizes the ability of current US aircraft to perform the air superiority mission.

The ATF will restore unambiguous technical superiority to US aircraft and with it the ability to perform this essential mission.

MISSION DEFINED

The mission of the ATF is, simply stated, to achieve air superiority. Air force doctrine defines air superiority as "the capability to use the enemy's airspace to perform our combat missions and to deny the enemy the use of our airspace. . . Sustained aerospace and surface operations are predicated on control of the aerospace environment. As a primary consideration, aerospace forces must neutralize opposing aerospace forces, including both aerospace and surface threats." It continues unambiguously: "[air] superiority . . . is prerequisite to the success of land and naval forces in battle."[1]

Secretary of Defense Dick Cheney recently argued that "if you look at history . . . [and future] scenarios . . . our ability to maintain superiority in the air is absolutely crucial, not only from the standpoint of the air battle but also what we do with our naval and our land-based forces."[2]

Air Force doctrine and Secretary Cheney's remarks point up the common misunderstanding that air superiority as a mission has little or no connection with other military operations. In fact, air superiority is the key to virtually all military operations.

This has been brought into sharp focus by the Iraqi invasion of Kuwait and the US deployment to the Persian Gulf. Early in the Gulf crisis, conflict scenarios envisioned the almost exclusive use of air-power to stop—or counter—an Iraqi attack on Saudi Arabia. All were based on one key assumption—absolute control of the air when and where US forces needed to establish it.

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It is important to note that forces, both air and ground, are most vulnerable in the initial phases of deployment. The Saudi Arabian army and the initial contingent of US ground forces deployed to the Gulf region were massively outnumbered by the Iraqi army in and around Kuwait. US and friendly military forces were vulnerable to Iraqui air, missile, and chemical weapons strikes. Ground forces, by themselves, were incapable of stopping an Iraqi armored attack. In this situation high quality air superiority forces, able to fight and win in the air while outnumbered, as well as ground attack aircraft were critical.

Without the ability to control the air, deployment of soldiers to the region would have been very dangerous, difficult, and potentially very expensive. The hundreds of airlifters going in and out of Saudi Arabia would have been held at serious risk by Iraqi fighters, except for the cover provided by US and Saudi air superiority forces. Not surprisingly, among the first US forces deployed to the region were squadrons of F-15C/D air superiority fighters and a brigade of the 82nd Airborne Division to protect them.

On warning of a ballistic missile or air attack, air interdiction forces could have been called on to attack the delivery systems as well as chemical and other munitions sites. Air superiority fighters would have destroyed enemy aircraft attacking friendly forces and helped allied interdiction aircraft penetrate to their targets. In the event of an Iraqi armored attack, air superiority would have allowed ground attack aircraft to disrupt Iraqui supply lines—principally the flow of fuel, water, and munitions—that would have fed Iraqi tanks. Denied air cover and short of critical supplies, the attack would have slowed, and tanks in the middle of the desert would have been choice targets for futher attacks. If Iraqi ranks or infantry closed with friendly ground forces, air support could have been called in for the troops under attack.

THREATS: MISSION STILL CRITICAL

In the wake of the Gulf crisis, noting that there are continuing threats to US interests might seem superfluous. These threats can emanate from any number of sources. Israel remains at risk to its radical Arab neighbors. Despite recent conciliatory gestures, North Korea remains a belligerent, Stalinist state, and a serious threat to South Korea. Conflict could arise unpredictably in unexpected areas. Almost no one would have guessed that the British would fight a war in the South Atlantic against Argentina in the 1980s, yet they did, and the British inability to rapidly establish dominance in the air cost them dearly.

Few of the potential military threats are simple to meet, and the US military must be prepared to defeat well-equipped forces virtually anywhere in the world. This size, sophistication, and potential lethality of the Iraqi military is simply illustrative of trends in other third world military forces that US forces may have to face in the future. Small nations with large ground forces can pose huge regional threats.

[1] US Air Force Manual 1-1, p. 2-12.

[2] Testimony before the Senate Armed Services Committee, April 26, 1990.

Small and/or poor nations also have access to sophisticated planes and air defenses. Iraq's air force, for example, is composed of 701 tactical fighter, ground attack, and reconnaissance aircraft, including top-of-the-line MiG–29 fighters, and Su–24 and Su–25 ground attack aircraft, along with the Mirage F–1, MiG–25, MiG–23, and a variety of other older aircraft that retain at least some combat effectiveness. Other nations boast comparable aircraft and air forces. It is these modern forces that the US Air Force may have to meet and defeat, outnumbered at least in the initial phases of conflict.

A number of nations have, or are striving earnestly to acquire, chemical or nuclear weapons—or, like Iraq, both. Iraq's chemical warfare capability is documented, and it can deliver chemical munitions with aircraft and ballistic missiles as well as other delivery means. These weapons of mass destruction accentuate the threat to the initial phases of US military deployments. They also point up the critical nature of air superiority aircraft that must prevent delivery of these munitions, by killing enemy aircraft that carry them and by protecting ground attack aircraft that would strike at munitions stores, ballistic missiles, and other critical military targets early in a conflict.

While unfashionable these days to say so, there is also still real cause for caution concerning Soviet military power. Political conditions in Europe have taken a dramatic turn for the better, and the Soviet Union seems more benign than at any time since the end of World War II. The Soviet Union, however, is now buffeted by terrible instability, and its eventual political status is not clear. The Soviet Union will remain, even after conventional force reductions, by far the most significant military power on the Eurasian land mass. The Soviets, for all their economic problems, continue to produce high quality military hardware in extremely large numbers. This includes not only an impressive nuclear arsenal and mammoth conventional land forces but also very sophisticated tactical aircraft. The prospect of a politically unstable Soviet Union with large military forces equipped with first-rate weapons is not a comforting one.

Military threats to US forces, and US air superiority forces in particular, are compounded by the proliferation of high technology military systems. The Soviet Union exports its top-of-the-line fighters to third world and other countries in potentially unstable regions. More than 200 MiG–29s have been sold or given to nations that are not aligned with the US and its allies. This number is virtually certain to increase. The demand will remain as long as regional conflict persists. Furthermore, the weak Soviet economy needs hard cash. The Soviets have very little they can sell overseas. They are likely to be willing, perhaps anxious, to sell their world-class military hardware to eager customers. As more of these fighters make their way into second- and third-world arsenals, and these militaries become more practiced in flying and maintaining them, their effectiveness will grow.

Nevertheless, diminished East-West tensions virtually assure smaller US forces in the future. Indeed, since the US deployment to the Gulf, President Bush has repeated his contention that US forces twenty-five percent smaller than today's can meet our security needs of the future. US force structure and access to foreign bases will decline. Thus, if the US is to respond militarily when potent armed forces are used to threaten US interests, it must rely on rapid power projection. This in turn will place a premium on the forces and weapon systems that permit the US to project military power—tactical and strategic air forces, airlifters, rapidly deployable ground forces, and naval forces.

Smaller forces will also highlight the need for high quality weapon system. If US forces do have to fight they must win. To do so, power projection forces must be protected in the vulnerable early phases of deployment. Top notch fighters will be required to do that, fighting outnumbered against technologically sophisticated aircraft.

At the same time, as US force structure declines and the technology of adversarial aircraft continues to improve, the quality of US forces will have a direct impact on the likelihood of conflict. US strategy presumes that adversaries are prone to being deterred when faced with the likelihood of defeat. The adequacy of preparation—the state of weaponry, training, and logistics—is measured against the array of forces that the US military may have to face. Inferior weapons reduce the probability of military success and concomitantly increase the likelihood that the US will face an undeterred aggressor.

Air superiority is a vital element of balanced military operations. Without it, victory is far more difficult, and it can be a decisive edge. Air superiority thus will remain an integral element of US doctrine, an essential ingredient of success on the future battlefield, and a key component of the deterrent formula. US fighter aircraft and other military systems must be responsive to extant threats as well as those projected well into the future.

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TECHNOLOGY: MISSION JEOPARDIZED

Technology built into new foreign fighters and other military hardware now challenges the technical supremacy enjoyed by the US Air Force for many years. This challenge emanates principally from the development and procurement of advanced Soviet aircraft and surface-to-air missiles. Although the Soviet threat is perceived to have abated, Soviet systems are widely distributed to its allies and other third world countries and continues to be produced in large quantity.

Since 1980, the Soviets have introduced three front-line fighters[3] to complete for air superiority and protect their ground assets. The 1981 MiG–31 was based on the MiG–25 interceptor. But both the MiG–29, an F–16 equivalent introduced in 1984, and the Su–27, roughly comparable to the F–15 and introduced in 1986, are new. The Soviets produce these aircraft in large numbers—about 150 MiG–29s per year and 100 Su–27s per year. The Soviets have produced 620 Su–27s—about four-fifths of the total of all the F–15s that the US has produced since the beginning of its production run in 1974 and over 1000 MiG–29s.

Both the MiG–29 and Su–27 are sophisticated fighters that pose a serious threat to the US ability to maintain air superiority with current generation US fighters. They are roughly aerodynamically equal to their US counterparts. They have outstanding maneuverability, a key attribute in close engagements. and they carry advanced air-to-air missiles. Both, in fact, can perform maneuvers that US fighters cannot.

They are also equipped with look-down/shoot-down radars. The low altitude sanctuary US fighters and other aircraft have often used to evade Soviet radars is now seriously degraded. In 1985, four percent of Soviet fighters had look-down/shoot-down radars. That figure is 41 percent today and will reach 73 percent in another five years.

Soviet radars are now capable of detecting US fighters at the horizon—when they come into the line-of-sight of the opposing radar and the same time that US fighters can see enemy planes. This essential equality undermines the ability of US planes to surprise their adversaries. This combination of factors—large numbers of Soviet fighters, very maneuverable, armed with modern missiles, and equipped with very capable avionics and radar—in itself poses a serious threat to the ability of US air forces to establish air superiority.

The threat to US air superiority is compounded by very capable Soviet surface-to-air missiles (SAMs). The Soviet SA–10 and SA–12 are both mobile and incorporate improved target engagement capabilities compared to their predecesors. They are both able to engage targets at very low as well as high altitude, and the Air Force considers the Soviet SAM threat lethal down to 100 feet. Just as advanced Soviet aircraft are being widely sold, the SA–10 is expected to proliferate throughout the third world.

US air superiority forces will be further jeopardized by next-generation Soviet weapon systems. The Soviets are expected to introduce two new tactical aircraft and a new SAM, possibly by the end of the decade. The new aircraft—the Counter Air Fighter (CAF) follow-on to the MiG 29 and the Air Superiority Fighter (ASF) follow-on the Su-27—will incorporate improved engines that will cruise supersonically without fuel-eating afterburners, some low-observable (stealth) technology, and improved aerodynamics that will enhance maneuverability. Both will embody superior capabilities compared to the F–15 and F–16 fighters now in the US inventory. The future SAM threat will be from the SA–15 and SA–X–17. Both will be mobile and highly resistent to electronic countermeasures. While Soviet economic problems may delay deployment of these systems somewhat, the deployment question is "when," not "whether."

The Soviets are also building two large aircraft carriers. While they have built smaller carriers in the past, the new ones will carry a large complement of aircraft (approximately 70). What aircraft these large carriers will deploy is not certain, but it is certain that the Soviets will be able to project air superiority assets in regions they never could before.

These systems will provide the technological basis for providing the Soviets and those equipped with Soviet hardware with the means to achieve air superiority in a conflict with US forces. The situation now—"essential technological parity," according to Secretary Cheney—offers the advantage to the force with better training (the US) or with greater numbers (the Soviet Union or those distant countries equipped with advanced Soviet systems). In any event, the air superiority situation today is tenuous.

The new Soviet ASF and CAF are, according to estimates, only about three or four years behind the ATF in development. Traditionally, Soviet aircraft have lagged eight to ten years behind the US. The F–15, for example, was first deployed in 1974; the Su-27 went into production in the mid-1980s. The Soviets are now narrowing this lag time. The enhanced capabilities in the new Soviet systems will significantly degrade the advan-

[3]Descriptions of current and projected Soviet fighters and surface-to-air missiles are based on unclassified US Air Force briefings and testimony by Defense Secretary Cheney before the House and Senate Armed Services Committees.

tages of the F–15 and F–16. If the ATF is delayed significantly or terminated, air superiority could devolve to the Soviets and Soviet-equipped forces.

Finally, it must also be noted that the US may face non-Soviet aircraft in future conflict. US forces in the Middle East and British forces in the Falklands campaign have faced French military hardware sold to Iraq and Argentina respectively. The European Fighter Aircraft (EFA), the French Rafale, and the Japanese fighter aircraft (FSX) will probably have capabilities in some measures superior to the US F–16 and F–15.

To recap: capabilities embodied in new Soviet Fighters undermine US dominance in information management (from improved, look-down/shoot-down radars, now essentially equal to US fighters), maneuverability (from better engines and advanced airframe design, now about equal), speed and acceleration (from improved engines, now about equal), and sustainability (from large numbers, and improved third-world performance with Soviet exports). These developments will, in turn, reduce the ability of US air superiority aircraft to seize the initiative and achieve surprise (because of the essential equality in information management and speed and acceleration) and undermine the persistence of US forces (because of higher attrition of US forces and greater survivability for adversarial aircraft). The declining ability to seize the initiative, achieve surprise and mass, and persist in operations will limit the Air Force and Navy in performing their offensive and defensive counter-air and SEAD operations. The development and deployment of next-generation Soviet, European, and Japanese aircraft will further degrade the competence of current generation US fighters. The ability of the US to establish air superiority in future combat is in jeopardy.

ATF: MISSION CAPABILITY RESTORED

The Advanced Tactical Fighter will restore unambiguous US technical superiority. ATF technologies are well within reach, and the ATF prototype program offers very high confidence that no major unexpected technical hurdles remain.

Each of the enhanced capabilities embodied in the ATF will play a key role in overcoming the threats posed by adversarial fighters and SAMs:

Low observability will permit the ATF to achieve a "first-look/first-shot" capability. The ATF will be able to see enemy planes before they see it, by virtue of capable radars and its own very low visual and radar cross section. Seeing the enemy planes first will permit the US planes to take the initiative, achieve tactical surprise, and get in the first shot—often the decisive one—of the battle.

While both the F–15 and Soviet fighters are detectable at the horizon, the ASF and CAF, by incorporating low-observable technology will be able to see the F–15 before it sees either of them. The advantages of first-look/first-shot will confer to those aircraft.

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Supersonic cruise without the use of fuel-hungry afterburners—the capability known as "supercruise"—will provide faster transit to the battle area, permit longer loiter time while there, and improve range. Survivability will be enhanced by the ability to accelerate out of danger, fly to relatively safe haven, and return to battle at an opportune time.

Supercruise also reduces the vulnerability of the ATF to enemy SAMs, by reducing the amount of time the aircraft remains within the missile's lethal zone. In combination with stealth, the lethal zone of enemy SAMs can be reduced by 95 percent.

Maneuverability enhancements allow the ATF to defeat enemy fighters in a close-in battle and to defeat enemy air-to-air and surface-to-air missiles by out-turning or outjinking them. According to published reports, the ATF will have "superturn" capability, that is the ability to turn tightly at supersonic speeds.[4] This ability, in combination with supercruise, will allow the ATF to achieve tactical advantage over enemy aircraft and engage and disengage an enemy as the tactical situation demands.

Improved reliability and maintainability will allow the ATF to fly the same number of sorties with much less support and maintenance. * * * One of the new engines being developed for the ATF has fifty percent fewer hot parts and forty percent fewer total parts than previous engines. This improves reliability and reduces the logistics support required.

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Existing aircraft can be improved, but because of inherent limits in older designs they could not match the ATF in low observability, aerodynamic performance, avionics, or reliability and maintainability. They would thus remain more vulnerable to detection, less able to achieve surprise and initiative, and more vulnerable to enemy aircraft and SAMs. Development of these alternatives would take years and billions of dollars while providing less capability.

CONCLUSION

Military threats to US security emanate from a combination of both political developments, which lead nations or groups to oppose US interests; and technical developments, which result in military hardware that allows those nations and groups to undertake military actions against US forces. Recent events clearly show that these threats cannot be ignored.

The ATF, on its present schedule, is twelve years away from its first operational deployment. Preparing for the future always requires vision, and with the long development times for new systems, extraordinary foresight is demanded of our leaders. Keeping vital objectives in mind is not easy. But the logic is clear:

Threats to US interests remain.

The US must retain the ability to deter those hostile to US interests, and to defeat aggressors if necessary.

Air superiority is a key mission, vital to the success of US military operations.

Other nations are developing aircraft and military systems for their own use and for export that threaten the ability of the US to maintain air superiority during conflict.

The ATF is the only alternative that provides the US with an unambiguously technologically superior aircraft capable of maintaining air superiority over current and projected military threats.

Without the ATF and the NATF, the US will be in jeopardy of losing the "high ground" above the battlefield and oceans. Losing this vital capability will in turn place in peril the ability of all other US forces to perform their missions. This must not be allowed to happen. The ATF must remain a top priority for the US military and the nation as a whole.

[4] See "Aerospace Daily," 7/3/90, p. 9.

INTRODUCTION OF LEGISLATION TO EXPAND THE BOUNDARIES OF THE FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SLAUGHTER of Virginia. Mr. Speaker, there are many historically significant sites throughout the United States that deserve recognition and preservation for future generations. I am particularly concerned with the Civil War site of General Longstreet's flank attack during the Battle of Wilderness, and have reintroduced today legislation which will permit the protection of this land by the National Park Service.

As I have stated previously on the floor of the House, my legislation is not just another national park expansion to be implemented like most other expansions. Rather, it coincides with Interior Secretary Manuel Lujan's American battlefield protection plan which brings Federal attention to the role that States, localities and private preservation groups must play if we are to effectively preserve our history for future generations.

The legislation I have set forth to foster the preservation and interpretation of Longstreet's flank attack at Wilderness Battlefield is the first step toward making the goal of public-private partnership a reality. Following the unveiling of his American battlefield protection plan, Secretary Lujan toured the site of Longstreet's flank attack which is currently owned by a private developer and slated for residential construction. At that time, the Interior Secretary revealed that the landowner was interested in working with the National Park Service, Spotsylvania County officials, and private preservation groups to reach an agreement on the protection of this site. Although many details have yet to be resolved between these groups, the current plan entails the purchase of land from the developer by a private preservation group so that the property can be held in abeyance until such time as the Interior Department has the ability to purchase the land. Donation of the property to the Park Service may also be possible in the long term. The key to making this idea work is the adoption of legislation to permit the inclusion of Longstreet's flank attack in the boundary of Wilderness Battlefield.

Rarely do you find an instance where local officials, citizens, the Federal Government and private landowners agree that a solution to preservation is possible. By moving this legislation quickly, the Congress will encourage a more prudent approach to Civil War preservation that benefits all interests in the long run. I urge my colleagues to support and cosponsor this measure.

THE HUNTER PROTECTION ACT

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. MARLENEE. Mr. Speaker, today 39 of my colleagues are joining with me in reintroducing the Hunter Protection Act to prevent antihunting activists from disrupting lawful hunts on Federal lands. I have said it in the past and I will say it again; hunter's rights in America are being seriously threatened by the increasingly militant tactics of a small but well organized group of antihunting fanatics.

Antihunting activists have continually wreaked havoc for sportsmen in this country, from undermining the Yellowstone Park bison hunt in Montana, to disrupting deer hunting on public lands in both Maryland and Virginia. These activists must be stopped from their malicious assaults on the American tradition of hunting.

Dramatic increases in the numbers and nature of these well-orchestrated attacks against law-abiding hunters have forced 37 States to enact legislation outlawing deliberate acts that disrupt legal hunts.

Unfortunately, Congress must now take action to reverse these alarming trends. The Federal Government, which manages over 30 percent of America's land, including up to 50 percent in some Western States, must work to protect hunters on Federal lands from the harassment of antihunting fanatics.

Toward this end, I am today reintroducing the Hunter Protection Act of 1990. This bill is modeled after last year's version and contains the best features of similar laws currently in 37 States. This legislation will make it illegal to interfere with lawful hunts and to badger hunters pursuing their sport on Federal lands.

The 16 million licensed hunters in the United States have been the major financial supporters of wildlife conservation in this country. Last year alone, more than $517 million was paid out for licenses, duck stamps, and excise taxes on equipment and ammunition. Of that amount, a large portion will be used to finance game research and management programs and help purchase habitat that benefits all creatures.

This legislation will continue the conservation tradition by contributing all moneys collected as fines to the North American Waterfowl Management Plan and the Pittman-Robertson Act. Both of these programs acquire lands to protect wildlife habitat.

Join with us in preventing harassment tactics against hunters on Federal lands by becoming a cosponsor of the Hunter Protection Act.

RELATIVE TO INTEREST IN STANFORD UNIVERSITY

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. CAMPBELL of California. Mr. Speaker, at the time of my election to Congress, I was a tenured member of the faculty of Stanford University. I wished to maintain that status during my time in Congress, and also to teach an occasional class or seminar at Stanford. In return for this, I have been permitted to remain a tenured member of the Stanford faculty, to continue to occupy the home my wife and I own on Stanford land, to pay land rent, co-investment fees and mortgage to Stanford in connection with that home, to rent out a cottage located on that property to a Stanford student, and to receive a stipend as well in the semesters that I teach. I have made all these facts known to the Committee on Standards of Official Conduct of the House of Representatives, and have received their approval.

I have prepared this statement as a standard letter to submit to any agency or person when appropriate in connection with my work as a Congressman whose district includes Stanford University. I offer it to allow you to discount in any way you wish, the vigor of my argument in Stanford's behalf by reason of my own personal and financial interest in Stanford. However, I offer my personal assurance that whatever I request on Stanford's behalf I would for any comparable institution located in my district.

PROPOSAL FOR AUTOMATIC CONTINUING BUDGET RESOLUTION AND HIGHWAY TRUST FUND

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GEKAS. Mr. Speaker, today I want to bring to your attention two of the issues I intend to pursue during the hours of debate that will consume this body. The first is a change to the budget process that I offered during last year's debate on the budget reconciliation package. This proposal was not allowed to be considered during last year's climactic finish of the 101st Congress—even though no substantive objections to it were raised. My proposal would provide automatic continuing resolutions whenever Congress fails to pass, by the beginning of a new fiscal year, the required appropriations measures. This automatic CR will provide funding for Federal services and Federal salaries at a level which is the lowest of: The previous fiscal year's appropriation, the House-passed appropriation, or the Senate-passed appropriation. The automatic CR would remain in force until the necessary appropriations legislation is signed into law.

As Speaker FOLEY noted during debate on the budget last year, "We should not have this question of a continuing resolution before us at all, because the Government should not be closed." I agree. There is no justification for a shutdown of the Federal Government. The resulting curtailment of public services and furlough of Federal employees is not only costly, it is dangerous.

Contrary to what you may believe, the shutdown of the Federal Government costs the taxpayer. In 1981, it cost the Government $5.5 million to send Federal workers home and an additional $9 million in retroactive pay. In 1986, the furlough of Federal employees cost the taxpayers $33 million, not including retroactive pay. We all can agree that the costs of furloughs that arises from budget gridlock are unnecessary and unconscionable during an era of fiscal austerity.

My proposal is nothing more than good commonsense government. I am enclosing letters of support for this budget change from the National Federation of Independent Business and the U.S. Chamber of Commerce.

U.S. CHAMBER OF COMMERCE,
LEGISLATIVE AND PUBLIC AFFAIRS,
Washington, DC, October 15, 1990.

Hon. GEORGE W. GEKAS,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GEKAS: The U.S. Chamber of Commerce supports your intention to offer legislation as an amendment to the budget reconciliation package that would provide for automatic continuing resolutions whenever Congress has not passed necessary appropriations by the beginning of the new fiscal year. The amendment would provide funding at a level which is the lower of either the previous year's appropriation, the House-passed appropriation, or the Senate-passed appropriation, until the necessary legislation is signed into law.

By providing temporary funding until Congress and the President are able to come to agreement on a fiscally sound budget, this amendment will allow all parties involved in the budget process to avoid the specter of government shutdown. The threat of closing the doors of government could no longer be used by either side to attempt to force the other into a bad deal. In short, the Gekas amendment will provide for a more sound and rational budget process.

Sincerely,

DONALD J. KROES,
Vice President.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, October 15, 1990.

Hon. George Gekas,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GEKAS: I am writing on behalf of the over 500,000 members of the NFIB to express our support for your amendment to the reconciliation package to be considered by the Congress this week.

As we understand it, your amendment would provide for automatic continuing resolutions to take effect if Congress has failed to pass its appropriations bills by the start of the new fiscal year. The continuing resolution would only be in effect until the proper appropriations legislation is enacted.

This represents a reasonable and fair approach to an eminently unfair political situation. Since the continuing resolution would provide funding at last year's level, money will be saved and programs and services will not be needlessly sacrificed. Additionally, the country will be spared a government shutdown that occurs because of inaction on the part of Congress and the Administration.

Again, the NFIB is pleased to express its support for your amendment.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

Under the conditions of my budget proposal, budget responsibilities of the legislature and executive would not be altered. Both entities will still face the tough decisions required by

the Constitution. My proposal is geared simply to preventing the shutdown of Government.

The second initiative I want to talk about involves that highway trust fund. This year Congress must reauthorize the programs that maintain the roadways and bridges that make up this Nation's Interstate System. I am calling on the membership of this body to take the lead in releasing the unobligated balance in the highway trust fund for the purpose of upgrading our infrastructure and turning back the recession that threatens our economic prosperity. Because of the present condition of our roads, bridges, and the economy I stress that this action happen now—without delay.

By putting the dollars in the highway trust fund to work, thousands of new jobs can be created. Specifically, it has been estimated that a 2-year drawdown on the highway trust fund of $3 billion annually would result in the direct creation of nearly 120,000 jobs and a total of nearly 300,000 jobs in associated construction, supplier, and service industries. By contrast, the Congressional Budget Office estimates that each 1 percent increase in the unemployment rate will increase the Federal budget deficit by $52 billion in 1991.

In addition to the positive impact on employment releasing the unobligated funds will have, it is necessary to continued economic growth that the condition of our infrastructure be immediately upgraded. The U.S. Department of Transportation states that 40 percent of the Interstate Highway System is in need of repair. DOT also tells us that 41 percent of U.S. bridges are classified as "structurally deficient" and "functionally obsolete."

Our deteriorating infrastructure already costs our economy. Nearly 1.3 billion hours and 1.4 billion gallons of gasoline are wasted each year due to poor road surfaces and congestion on limited access highways. Research by the Road Information Program [TRIP] documented that poor roads add almost $20 billion per year to the cost of driving in the United States, about $120 per licensed driver. If our economy is to grow it must be supported by a strong infrastructure. Currently, as a percentage of GNP, the United States ranks 55 in the world in capital investments in infrastructure, according to the Organization of Economic Cooperation and Development.

All of these statistics point to the need and rationale for releasing the unobligated funds in the highway trust fund. What occurs to me to be just as important as these stated reasons is the need to restore faith in this institution as representatives of the people. For the first time, last year this Congress authorized funds collected from fuels taxes to be used for purposes other than infrastructure maintenance and construction. Half of the fuels tax increase passed last year, goes to deficit reduction. In addition, the unobligated moneys in the highway trust fund are being used to mask deficit spending further.

Mr. Speaker, my plea today to the Members of this body is to join me in taking the bold steps necessary to pass an automatic CR and to immediately release the highway trust funds, without matching requirements, so that our national economy can once again be started on the path of growth.

IN MEMORIAM OF JAWAD F. GEORGE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. DYMALLY. Mr. Speaker, I was deeply saddened to learn of the death by cardiac arrest of Jawad F. George on Wednesday, November 21, 1990. As many Members of the House are aware, Mr. George was a longtime activist in Arab-American affairs. He was associated with the National Association of Arab Americans and had directed it since 1989.

Jawad George was a frequent visitor to Capitol Hill, where he lobbied tirelessly for a balanced U.S. foreign policy in the Middle East. He sought to further understanding between Americans and the people of the Arab world, believing such understanding was essential to solving the myriad problems of the region. His drive, determination, and dedication to the causes of peace and justice were unique and will be sorely missed.

By profession, Jawad George was a lawyer and had been president of his own law firm, Jawad F. George & Associates. He also served with the law firm of Arnold and Porter from 1976 to 1979. However, his true interest was in Arab-American affairs. He founded and was the first president of the Palestine Congress of North America. He also served as president of the American Federation of Ramallah, Palestine, a Christian town in what is now the West Bank from which his grandparents emigrated to the United States. From 1984 to 1989, Jawad served in the Palestine National Council—the Palestinian's parliament in exile.

Jawad was a native of Plainfield, NJ and moved to Washington to attend Georgetown University, from which he received bachelor's and master's degrees in foreign service. He received a law degree from the Antioch School of Law.

While a student, he worked for then-Chief Justice Warren E. Burger and Senator EDWARD M. KENNEDY.

In addition, Jawad served as special counsel to the chairman of the Navajo Tribal Council in Window Rock, AZ, in 1981, helping the Navajo nation develop a justice department.

Jawad will be deeply missed by all who knew him.

AN EXTRAORDINARY AMERICAN JOURNALIST RETIRES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. BROOMFIELD. Mr. Speaker, on November 30, 1990, my friend, Phil Slomovitz, retired.

I know many people who have retired, but few if any have had such a long and unusual career. When he retired at 94, he certainly must have been the most senior working journalist in America.

His life has spanned the 20th century, through two world wars, a cold war, revolutions, a depression and many recessions, and most importantly, the birth of the State of Israel.

Virtually all of Phil Slomovitz's journalistic career has been spent with America's Jewish press, beginning in the early 1920's with Detroit's Jewish Chronicle, and concluding in 1990 with the Detroit Jewish News.

Phil immigrated to America from Russia in 1910. I am sure that he would not have lived half the productive life he has if he had stayed in Russia.

America gave Phil the freedom to develop his talents and express his convictions. In return, Phil gave America and America's Jewish community 70 years of journalism that was characterized by scholarship, uncommon good sense, and conviction.

Phil is an extraordinary American, and his columns will truly be missed.

Mr. Speaker, I'd like to introduce into the RECORD Phil Slomovitz's last "Purely Commentary" column and an excellent retrospective of his long and productive career.

[From the Detroit Jewish News, Nov. 30, 1990]

MY EIGHTY YEARS AS AN AMERICAN

(By Philip Slomovitz)

(On this very important day of my life I keep proclaiming my pride in being an American and in my loyalties as Jew and Zionist. My "Purely Commentary" column of November 1960 referred to having been "Fifty Years An American" at that time. The November 1980 "Purely Commentary" was devoted to 70 years as an American. That column appeared as a special essay in my second book, *Purely Commentary*, published in 1981. I am now reproducing it here verbatim with the 50th and 70th anniversary facts, with a single change, substituting for the 70th the present 80th)

Eighty years filled with the privilege of being an American must justify the selfishness of pronouncing it to family, friends, the nation.

Only once before, under the slogan of "Fifty Years an American," did this commentator, who often was listed as a perpetuator of personal journalism, resort to the conceit of boasting about his Americanism that has always been rooted in the Jewish codes.

Twenty years later, to mark the significance of the arrival date in this sacred land, November 29, 1910, the credo of the commentator's Americanism beckons repetition. With hopes for its gracious acceptance here it is from "Purely Commentary," November 25, 1960, in its present current application.

On Thanksgiving, when we have so much to be grateful for, when Americans rejoice in the blessings and the bounties that have been allotted to them, this commentator will surely be granted the privilege of a personal word on a glorious occasion.

This column has often taken note of historic events, of anniversaries of friends and community leaders. Your commentator has shown appreciation for occurrences in communities and in the lives of fellow-citizens.

Now, the time has come for a personal reference—because the event is so vital and so deeply soul-stirring.

November 29 will mark your commentator's 50th anniversary as an American. Many anniversaries are personal in nature: to him, such an event, that of reaching the age of 50 years as an American, calls for thanksgiving, for a bit of reminiscing, for additional soul and heart-searching.

Fifty years as an American meant 50 years of freedom—freedom to speak the mind and to express views without hindrance; 50 years of service to causes that fit into the American way of life and therefore help in the uplifting of the less fortunate; 50 years that were not without their battles and debates—but they were disputes and arguments of such a nature as to echo what the striver for justice acquired as part of his immersion into Americanism.

The last 50 years revolutionized the world. They were politically stirring. The half century began with challenges unparalleled in history. They changed the fabric of America's acts and thoughts. They transformed our land into a new mold.

Two world wars claimed the lives of millions of our fellow Americans. Smaller conflicts and some calamities also were costly in human lives.

While the world was being remolded, the Jewish people underwent even graver changes. Our kinsmen were threatened with extinction. We lost a third of Jewry in the course of the victimization of mankind by the most devilish minds that ever inflicted themselves upon us.

As Americans, we were part of a generation that revolted against bestialities. As Jews, we had the obligation of coming to the aid of the afflicted. As American Jews, we were destined by history to be the rescuers of the oppressed.

But while we were rescuing, we, too, were the targets of bigots. We were charged with the task of saving lives, and, at the same time, of repudiating bigots. In this country we were free to speak our minds against intolerance, to battle the anti-Semites, to demand justice wherever and whenever it was due.

In that battle, we soon learned the greatness of America. We were not alone in the fight. We soon learned that there is such a genuine principle as fair play in the great land of our adoption. We are grateful for that idea. It has helped to sustain us in our Americanism, and it has given us pride in our loyalties to this great land and its deep-rooted principles.

There was much more to our pride. When you fight the anti-Semite, you seek to eliminate the negative aspects of American life. It is when one searches for the positive, when one aims to do the creative things in life, that one is faced with the true test of American greatness. Your commentator has found the genius of America in the freedom to act in behalf of his fellow Jews through the Zionist ideal.

America spells freedom, but it does not qualify it by saying that it is to be freedom only for Americans. It is an established and sacred American principle that one who has his freedoms must not deprive others of their freedoms. More than that: he who has his freedoms must aid others to acquire similar just rights.

During the five decades of his Americanism, before acquiring citizenship and during the many years of his enfranchisement, your commentator labored for the Zionist idea. No one hindered him: the best Americans assisted in the great aspirations. Presidents, Cabinet members, Supreme Court justices, governors of states, and members of both Houses of Congress often gave him their blessings. It was the greatness of America that its leaders always gave us comfort in our work. The handful of Jews who were frightened, who, in their panic, could not assist in the greatest humanitarian effort in history, did not matter. They were unworthy of concern. They do not count now, although they still seek to obstruct justice. But there are so few of them that they are insignificant.

But even the few could have been helpful in rescuing many more people than we have succeeded in saving since our great Zionist idea became a reality. Nevertheless, we are grateful—for the millions of our kinsmen who recognized the immensity of the task and assisted in it; for the many millions of Christian Americans who, by their actions and by their encouragement, upheld the American principles of justice and the right of life, liberty and pursuit of happiness of all mankind, and give us cause for gratitude and thanksgiving on this sacred day.

There is another cause for rejoicing. During his 50 years as an American, this writer had the right to adhere to the faith of our fathers—at preparatory high school, at college, while working on newspapers, in the course of travels—wherever the Stars and Stripes fluttered for us as a symbol of our citizenship.

The price of your commentator's Americanism has accompanied him abroad, where he was able to hold his head high as an American Jew, and in Israel, where he enjoyed the fruits of his labors and witnessed the fulfillment of the dream of an American Jew for whom Zionism was akin to Americanism—because the aspirations of both are kindred in spirit—and where he saw the realization of the ideal that all men have a right to pursue happiness and enjoy freedom.

Major in the sense of elation, next to the exultation that stems from good family relationships, from a fine wife and good children (all, incidentally, native-born who share mutual joys as Americans, as Jews, and as Zionists), is the privilege this writer has acquired as a working newspaperman. The most glorious post in journalism is that of the reporter. It is he, as the gatherer of news, who secures the facts to keep the people informed on what is happening. The working newsgatherer is often vastly more important even than the editor and the copy reader. Without his facts there would be no provisions for editing.

And in the role of a working newspaperman, this humble writer also has aligned himself with all information causes, with education and fact-gathering, and with a dedication to the cause of learning. One must always learn. Mikol me-lam-dai hiskalti—we learn from all who have something to impart to us. And to learn is to continue an unending ambition in life. To imspire others to learn is to assist in creating a well-informed community.

Such are the experiences of half a century. These are the aspirations of a life that has been blessed by the great privilege inherent in an Americanism that does not exclude equal loyalty to Judaism.

These are just a few of the thoughts that crop up in the rejoicing over my Americanism. Your commentator was blessed during half a century as an American. His gratitude is unbounded. This is a great day in his life—to be 50 years an American. That's the reason for devoting a column to a personal expression of thankfulness for such a blessing—to be an American!

[From the Detroit Jewish News, Dec. 7, 1990]

IN RETROSPECT: PHILIP SLOMOVITZ ENDS A 70-YEAR CAREER AS COMMENTATOR, BUT HE WILL CONTINUE AS A PARTICIPANT

(By Alan Hitsky)

Philip Slomovitz has chosen to close a chapter in his seven-decade career as an observer, defender and initiator of projects for the Jewish people. But it is a chapter, not a conclusion.

At the young age of 94, he has deemed it time to step back from the weekly stress of compiling a column—his beloved Purely Commentary—which has been a fixture on the Detroit Jewish scene since the early 1920s. His life and career have mirrored some of the most tragic and some of the most awe-inspiring moments in Jewish history. Yet his legacy to the Jewish people moves far beyond that of a mere observer.

Mr. Slomovitz would be the first to object to the idea that he is "retiring." While he has decided to step back from writing, he will continue to come into *The Jewish News* office, to catalog his voluminous files of articles about, and correspondence with, most of the Jewish and many non-Jewish luminaries of the 20th century. The files, and his Purely Commentary columns, deal with presidents and farmers, saints and anti-Semites, Jewish holidays and history, and most of all, scholarships.

Think of the span of time. At his birth in 1896 in czarist Russia, the first World Zionist Congress had just been held in Vienna with Theodor Herzl sowing the seeds for a return to the Zionist homeland. The ugly Kishinev pogroms would not occur for five more years and in 1910, when Mr. Slomovitz came to Bayonne, N.J., at age 14, World War I was still four years away.

As a student at the University of Michigan, he became involved in campus activities that have guided him the rest of his life: Zionism and journalism. He was a staff member of the *Michigan Daily* and president of the Intercollegiate Menorah Association, the forerunner of the Campus B'nai B'rith Hillel organizations throughout the country.

After graduation from U-M, Mr. Slomovitz worked as a reporter at the *Detroit News* for several years. He made community contacts that would shortly be invaluable after he was named editor of Detroit's *Jewish Chronicle*. During this same time period, he also organized Young Judaea, the forerunner of today's Detroit District of the Zionist Organization of America.

But as his illustrious career was just taking hold, the first storm cloud appeared on the horizon, the first in a series of major events that would mark each decade of his Jewish journalism career.

Henry Ford had transformed Detroit with his automobile, the assembly line and published promises of a $5 a day salary. The promise of work and wealth drew thousands to the city from throughout the United States and the world. But in the 1920s Mr. Ford also began publishing anti-Semitic articles in his *Dearborn Independent;* in the 1930s a photograph of Adolph Hitler hung prominently in his office.

Mr. Slomovitz reported the Jewish community's attempts to change Mr. Ford's views and the public battles launched by Rabbi Leo Franklin of Temple Beth El. The by-then veteran editor even met with Ford's henchman, Harry Bennett, who tried to convince Mr. Slomovitz that Ford was not an anti-Semite. Mr. Bennett claimed Mr. Ford's gift of $5,000 to notorious anti-Semite Elizabeth Drilling was not an important issue.

The Bennett affair resulted in one of the few times that Mr. Slomovitz pulled his punches. He wrote a scathing editorial exposing Mr. Bennett, but was advised by attorney and friend Morris Garvett not to publish it. "They'll call you a liar just like they called Rabbi Franklin a liar," Mr. Slomovitz recalls Mr. Garvett advising.

Mr. Slomovitz had no more success with Detroit's other notorious anti-Semite, Father Charles Coughlin of the Shrine of the Little Flower in Royal Oak. Father Coughlin gained a national following as the Radio Priest during the Depression years and through his *Social Justice* newspaper. His calls for social justice took on an increasingly strident tone as he followed Hitler's line in blaming Jews for ruining the world's economy.

Mr. Slomovitz had several meetings with Father Coughlin, bringing along prominent Jews, Christians and written material in a vain effort to prove that Jews were as anti-communist as the crusading Royal Oak prelate. It was not until the early 1940s, after several years of world war, that the Vatican and others stepped in to silence the Radio Priest.

During this time, Mr. Slomovitz pioneered numerous other efforts. He was an early supporter of the Jewish Telegraphic Agency in New York, the worldwide news-gathering organization that continues to serve Jewish newspapers throughout the world. He was a vice president of JTA from 1942–1985 and remains a board member.

He also was a behind-the-scenes organizer of the American Christian Palestine Committee, a group of leading Christian clergy who worked during the '20s, '30s and '40s for the establishment of Israel.

But in 1941, right after the tragic events at Pearl Harbor, a crisis developed for Mr. Slomovitz which became a turning point in his career. The owners of the Chronicle wanted to move family members into the business, and after 20 years as editor, his days at the paper were numbered.

Within a few months, the groundwork was laid for a competing paper, The Jewish News, which began publication in March 1942. With the commitment of a dozen backers, including the late Fred Butzel and two associates who remain friends of Mr. Slomovitz to this day—Leonard Simons and Walter Field—The Jewish News began. It included an advisory committee of 250 community leaders.

Despite community support, The Jewish News was a family business. Mr. Slomovitz' wife, Anna, was an unpaid worker, boosting circulation and classified advertising. Carmi Slomovitz, at the age of 10, became the office expert on the Addressograph machine which printed the mailing labels for the weekly paper. After graduation from college, and army service during the Korean War, Carmi became The Jewish News business manager.

The sad facts of the Holocaust were hidden from, and discounted by, the American people and the Roosevelt administration during these years. As the truth became known, articles in The Jewish News illuminated the tragic proportions of the Holocaust. On April 7, 1942, just weeks after the paper began, it published the following JTA report:

HUNDREDS OF DUTCH JEWS DIE IN NAZI FORCED LABOR MINES

SLOVAK JEWS LOSE CITIZENSHIP; JEWS TOLD TO MARK DOORS WITH YELLOW STARS; BARRED FROM RECEIVING RATIONS.

LONDON (JTA)—The Netherlands Government in Exile announced this week that 1,200 Dutch Jews, sent by the Germans to enforced labor in the salt and sulphur mines at Mauthausen, have died and that the Germans had deliberately sent them without protection into the "poisonous vapors."

"The protests of the civilized world, when informed by the Netherlands Government were unavailing," the announcement, made on Radio Orange, said.

The statement recalled the arrest of 800 Jews in Amsterdam in February, 1941, in a round-up on the streets, and the seizure of 400 in other Netherlands towns a few weeks later, and added: "Terrible rumors about their fate have been going around ever since. It has now been established that none is alive."

ALL SLOVAK JEWS WILL LOSE CITIZENSHIP

STOCKHOLM (JTA)—Three thousand Jews, including many women, have been rounded up in the town of Sarrissko, in the Zemplin district of Slovakia, and sent to forced labor camps, it was reported here this week. Hlinka Guards, the Slovakian storm-troopers, co-operated with the Slovak police in apprehending the Jews, the reports disclose.

In Bratislava, the Slovak capital, deportation of Jews to concentration camps and "ghetto towns" in the interior continues, the reports state. Speaking at a press conference in Bratislava, Sano Mach, Minister of the Interior, declared that the Jews will be deported from the country "in the same way as they came, with bags and packages in their hands and their return to Slovakia will be prevented." Another Slovak spokesman said "Michaelovce have now regained their Slovak character." Slovak authorities also revealed that all Jews will shortly be deprived of their citizenship.

TOLD TO MARK DOORS WITH YELLOW STARS

ZURICH (JTA)—A number of Rabbis and Jewish leaders were arrested this week in Slovakia for alleged "anti-State activities" and on the charge of "spreading alarming reports," according to a report by the Slovak News Agency reaching here.

A decree issued in Slovakia this week under the signature of Sano Mach, the Minister of Interior, orders all Jews to mark their doors with a yellow Mogen David. This was orderd in order to make it easier for the Nazi-controlled Slovak police and secret service men to distinguish between Jewish and non-Jewish homes when carrying out night raids on Jews.

It was after this period that Sol King and others with University of Michigan connections began circulating the facts about Raoul Wallenberg. The young Swedish graduate of U-M had disappeared behind the Iron Curtain in early 1945 after he was credited with saving 20,000-100,000 Hungarian Jews from the Nazi extermination. As a Swedish attache, Mr. Wallenberg printed and distributed false documents, rented apartment buildings and bullied Nazis SS troops and the fascist Hungarian Arrow Cross into releasing Jewish civilians into his control.

For 40 years Mr. Slomovitz repeated the story of Raoul Wallenberg in the pages of The Jewish News. The Soviet government admitted that Red Army troops had arrested Mr. Wallenberg, and claimed after a 1947 investigation that he had died of a heart attack in a prison camp.

But after years of silence on the issue, the Soviets are taking another look at the case, mindful of reports of sightings of Mr. Wallenberg in the Soviet *gulag* and spurred by efforts like Mr. Slomovitz's and the Wallenberg family in Sweden to keep the issue before the public.

With the disaster that befell world Jewry at the hands of the Nazis came renewed opportunity. In 1945, efforts were made to form a world organization to prevent war. Mr. Slomovitz became an accredited correspondent with the fledgling United Nations Organization, making monthly trips to New York to cover the effort for peace—and to lobby for a homeland for the Jews who had suffered so heinously at the hands of Nazi Germany.

He became a close associate of Michigan Sen. Arthur Vandenberg in the effort to raise support on Capital Hill for a Jewish state. In that capacity, he became a liaison between Sen. Vandenberg, Chaim Wiezmann and Abba Hillel Silver of the World Zionist Organization.

There was the euphoria after the U.N. vote in 1947 creating Israel and Jordan out of Palestine. And there was the concern as the Arabs massed their armies and attacked the new Jewish homeland. Defense of the new State of Israel included Purely Commentary in The Jewish News and support of active efforts to gather materials in the Detroit area for the new state.

On May 14, 1948, Purely Commentary stated in part:

This is Liberation Week in Palestine. On Sunday the Jewish community will take over control of the country. A de facto Jewish government already exists. A Jewish republic is functioning. Barring obstacles from the British and the massing of Arab troops on isolated colonies, it is safe to say that this is the end of Jewish statelessness.

With liberation will come many trials and tribulations. There will be difficulties in Palestine, since internal conflicts are not always avoidable. There will be the problems of financing government projects. The postal, telegraph and telephone systems will have to be reconstructed. We are confident that the Yishuv will know how to face the issues. Would that Jews outside Palestine could face problems as bravely.

Thus—the Jews in the Diaspora will be faced with issues which we must be prepared to meet. There already have been incidents of a rather unpleasant nature in this country. Anti-Semites are resorting to the taunting cries of "go to Palestine" in attacking our people. A Jewish woman was accosted by a non-Jewess at a fruit counter in a local store with the shout, "Why don't you go to Tel Aviv?" She received the proper reply: "You belong with the Nazis at the bar of justice in Berlin."

As we prepare to greet the Yishuv on its statehood we also must be prepared to face all issues in this country. The present adminstration has played a shabby trick on justice and fair play with its attempt to make an about-face in the Palestine matter. The defeat of the abortive trusteeship plan may be held against us, but we should be ready to indicate that we have saved the good name of America by effecting a defeat for injustice.

When we demonstrate on Sunday, in celebration of Liberation Day, let us resolve that we shall continue to fight for justice and decency—thus upholding the highest principles of Americanism. And let us all turn out en masse for the demonstration. No one should be missing from Detroit's gathering in honor of the Jewish State * * *

And few were. Some 22,000 persons attended the celebration at Detroit's Central High School.

The creation and sustenance of the State of Israel has been the common thread of Purely Commentary, and the world Jewish community, for all these years. But other events also punctuated the decades that followed Israel's creation in 1947 and declaration of independence in 1948.

In an effort to upgrade the profession of Jewish journalism, Mr. Slomovitz had been involved with JTA since the 1920s. To further that effort, in 1957 he helped organize the World Federation of World Jewish Journal-

ists in Stockholm. Contacts made at these meetings and in earlier trips to Israel led to numerous reports by international Jewish correspondents appearing in The Jewish News.

Four years later, Mr. Slomovitz spent weeks in Israel covering the trial of Nazi war criminal Adolph Eichmann, the director of Hitler's "Final Solution" against the Jews of Europe.

But it is not as a reporter or commentator alone that Mr. Slomovitz has made his mark. He has been a community activist for both Zionist and non-Zionist causes. He and Anna helped found JARC to help their son Gabriel and other retarded persons in the Detroit Jewish community. He has lent his name to local efforts on behalf of Technion and Bar-Ilan University, resulting in endowed chairs at both Israeli universities. And he has been honored with the Butzel Award by the Jewish Welfare Federation and the Brandeis Award by the Zionist Organization of America.

The list of awards, of associations, of working efforts on behalf of the Jewish people are endless. Perhaps these remarks by current associates can summarize the efforts of The Jewish News editor emeritus to this point in his career:

"I was fortunate to meet and be befriended by Phil almost 20 years ago on a trip to Israel," said Jewish News publisher Charles Buerger. "I have been reading and enjoying his insightful columns ever since.

"In working with him for the past six years, I am continually amazed by his knowledge and his involvement and the great pride he has for his Jewish community. Phil is the quintessential gentleman and scholar."

Jewish News Editor Gary Rosenblatt said, "Mr. Slomovitz is a role model for every Jewish journalist: a man who has devoted his life to informing and helping his beloved community through the written word.

"I am proud to know him and work with him, for he is a man of warmth and integrity."

IRAQI AGGRESSION TAX OF 1990

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LEVINE of California. Mr. Speaker, today I rise to offer a tax that I believe all Americans, Republicans and Democrats alike, will strongly support.

Today, I am introducing an Iraqi aggression tax which would levy a 100-percent withholding tax on interest income earned on frozen Iraqi Government assets in the United States.

At a time when 320,000 American troops are preparing to lay their lives on the line to oppose Iraqi aggression, and when millions of Americans face the prospect of increased taxes, Saddam Hussein doesn't deserve any United States tax breaks.

This tax will help correct a serious anomaly in the Tax Code that allows Iraq to continue earning interest on its frozen assets while they continue to violate international law in their attempt to annex Kuwait.

It is ludicrous that while the United States is financing an international effort to deter Iraqi aggression, Saddam Hussein is earning free interest on Iraqi accounts in the United States. Americans don't get such a good deal; why should Saddam?

The withholding tax would affect all income of the Government of Iraq derived from investments or from deposits in banks in the United States. In particular, the measure would be levied on all interest accrued from August 2, the day of the invasion, until Iraqi withdrawal from Kuwait or the President negotiates an appropriate settlement.

The bill will be written to make sure after the crisis is over that Iraq cannot file a tax return and get a refund for these specific taxes. And, of course, the law would be repealed immediately upon Iraqi withdrawal from Kuwait.

Although the United States Treasury Department is not currently releasing figures on the amount of Iraqi Government assets in the United States, unofficial estimates put the figure at a minimum of $300 to $400 million. Experts estimate that we would raise $2.5 to $3 million a month minimum from the tax.

I am certain my colleagues would agree that this generous tax break to Saddam is deeply embarrassing in light of the fact that American taxpayers are spending millions a day to keep Saddam in check, while Iraq is receiving free interest paid by United States banks.

I urge my colleagues to support and pass this measure quickly.

A REPORT ON TODAY'S WHITE HOUSE MEETING WITH PRESIDENT BUSH

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GEPHARDT. Mr. Speaker, I wanted to share with my colleagues a few observations about the meeting we had today with the President regarding the situation in the Persian Gulf.

The President announced that Secretary of State James Baker will be pursuing a diplomatic solution to this crisis including, we hope, a meeting with Iraq's foreign minister. There was bipartisan support among the congressional leadership for the President attempting to exhaust every diplomatic opportunity for solving this crisis peacefully.

In my discussions with the President concerning the gulf crisis, I stressed once again the unswerving congressional support for the goals of our policy. We must deter aggression, maintain an effective international coalition that fairly shares the human and financial cost of our policy, and remove Iraq from Kuwait, while supporting the young men and women who are defending the national interest so far from home. I emphasized to the President, as did my colleagues, that congressional support for enforcing the U.N. sanctions is nonpartisan and universal.

We have been hearing from the American people, and they share my belief that this crisis can be solved diplomatically, and by pursuing a policy of patient strength: Permitting the economic sanctions to strangle Iraq's economy and warmaking ability until Saddam Hussein removes his soldiers from Kuwait, as he must under international law. If we are going to risk the lives of American military personnel, we must be able to assure their families that all peaceful means of resolving this crisis have been exhausted.

Our leadership told the President that if he decides that military force must be used to achieve our objectives, he must obtain a congressional authorization before committing our troops to war. Nothing could be more unwise than to bypass the representatives of the American people in making such a momentous decision.

To launch an offensive military action against Iraq without the consent of Congress would provoke a constitutional crisis and lead our Nation into an armed conflict divided. As the administration urged in court, and as General Scowcroft has testified, our only procedural recourse would be to invoke our powers of the purse. No one should want this issue to come down to that. The administration can avoid such a divisive course by complying with the Constitution and uniting the Nation behind the results we all want to achieve.

The Congress of the United States will always support American troops in harm's way. The Congress and the people of the United States are deeply committed to resolving this crisis, reversing the immorality of Iraq's occupation, restoring stability to the gulf, and reviving the principle of collective security and true burdensharing to international affairs. We are hopeful that Secretary Baker's trip is successful. When he returns and reports to us on the results of his mission, Congress is determined to play its rightful role under the Constitution and its responsible role as representatives of the American people.

THE EMPLOYEE EDUCATIONAL ASSISTANCE ACT OF 1991

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. GUARINI. Mr. Speaker, today I am introducing the Employee Educational Assistance Act of 1991. This legislation seeks to make permanent section 127 of the Internal Revenue Code, which excludes employer-provided educational assistance from gross income. In the last Congress this legislation had 267 cosponsors.

Section 127 was first enacted in 1978. Since then Congress has extended the program five times, in 1984, 1986, 1988, 1989, and, most recently, 1990. This on-again, off-again approach is extremely disruptive to the employees receiving educational assistance, their employers, and the educational institutions serving these individuals. Employees cannot plan their educational program; employers face serious administrative difficulties; educational institutions face similar uncertainties. It is time to end this annual ritual and make this important program permanent.

Section 127 permits employees to exclude up to $5,250 annually in tuition reimbursements from their employer. If it were not for this exclusion, employees would have to pay taxes on any educational assistance received.

This would be a substantial disincentive, especially to lower-income workers wishing to improve themselves by pursuing educational opportunities. Indeed, the tax liability incurred would be prohibitive for those with relatively modest wages. (The general explanation of the Revenue Act of 1978, which created the section 127 program, states that "The tax law has required out-of-pocket tax payments for employer-provided educational assistance from those least able to pay.") All such barriers to upward mobility need to be reduced or eliminated.

Since 1978, over seven million workers have benefited from this program. Last year there were over 1.5 million recipients of educational assistance. This program particularly helps non-itemizers and lower-income workers who cannot meet the "job-relatedness" requirement of section 162 to deduct educational expenses. By removing the job-related requirement, section 127 eliminates the bias in the Code against lesser skilled workers who simply cannot meet this test. Section 127 also achieves substantial simplification by avoiding confusing case-by-case inquiries into whether or not a particular course is or is not "job-related."

Lower-income workers are taking advantage of this program in disproportionate numbers. According to a survey conducted by the American Society for Training and Development ("ASTD"), 71 percent of those receiving employee educational assistance earn less than $30,000 annually. Nearly 99 percent of all section 127 recipients earn less than $50,000. Participation in the program declines as salary increases. Employees making less than $15,000 participate at twice the rate as those making over $50,000.

Over half the beneficiaries of employee educational assistance take business-related courses, followed in descending order by engineering, health science/nursing, education and computer science. The claim that section 127 is a boon to law students and the like is nothing more than a canard. Those attending professional school account for less than one-half of one percent of all section 127 beneficiaries. The ASTD study found that section 127 was "especially significant for upgrading employees, creating incentives for upward mobility, and providing remediation and basic skills training."

Employee educational assistance is especially critical in maintaining the competitiveness of our workforce. Indeed, President Reagan's Commission on Industrial Competitiveness recommended that section 127 be made permanent. More specifically, the American Electronics Association reports that the United States was short some 20,000 engineers between 1981–1985. To counter this trend, over half of all U.S. electronics firms have section 127 programs. Similarly, the National Education Association reports that 45 percent of all public school systems provide educational assistance to teachers.

As recently as December 17, 1990, President Bush's designee for Secretary of Education, former Tennessee Governor Lamar Alexander, stated that one of his top priorities will be improving adult education. Recalling what a union organizer told him about workers coming to a new General Motors plant in Tennessee, Governor Alexander said their first question was, "Where can I go back to school?" While he didn't say so, what the Governor was referring to was programs like section 127.

Since 1981, student assistance has been cut back dramatically, with more than $2.8 billion lost from student Social Security benefits, restrictions on grants and loans, and the like. Employer-provided educational assistance remains as vital opportunity for those Americans wishing to retrain and further educate themselves. Unless we act, this program will expire on December 31, 1991. Don't let this happen. Support the permanent authorization of section 127.

A TRIBUTE TO INEZ KAISER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine and dedicated work of Inez Kaiser. She is retiring from her position as executive officer of the Redlands Board of Realtors and will be celebrating her retirement with friends and family later this month.

Inez began her real estate career in 1955 with the Burbank Board of Realtors. Ten years later, she and her family moved to Yucaipa and became a member of the Yucaipa Board of Realtors while working as an agent for Miller Realty. She was promoted to the position of office manager with Miller Realty and became president of the Board of Realtors in 1975. Inez left Miller Realty in 1980 and one year later became the executive officer for the Redlands Board of Realtors.

Mr. Speaker, I ask that you join me and my colleagues in recognizing Inez Kaiser for her successful real estate career. I would like to join her daughter Sharon and many dear friends in offering Inez the very best as she begins a new and wonderful chapter in life.

FREE ENTERPRISE WEEK

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. MRAZEK. Mr. Speaker, I rise today to recognize the Hauppauge High School chapter of the Distributive Education Clubs of America for its participation in Free Enterprise Week from January 13–19, 1991, as part of the Phillips Free Enterprise project.

For many decades, DECA programs throughout the Nation have given our country's young people excellent opportunities to learn entrepreneurial business skills. DECA's hands-on approach to learning, in which students participate in actual business ventures in their communities, has given many of America's business leaders their start in the business world.

During Free Enterprise Week, the Hauppauge High School chapter of DECA will conduct many informational forums, including a free enterprise information assembly, speeches by local entrepreneurs, presentations by teenage business people, and a presentation of certificates of appreciation to local business people who participate in DECA programs throughout the year.

Mr. Speaker, I take great pride in the efforts of the Hauppauge High School chapter of DECA. Under the able leadership of project chairmen Douglas Munk, Thomas Scott, and Robert Weinberg, the Hauppauge High School DECA program has provided many of Long Island's young people with meaningful business experience that will benefit the community for years to come. I wish everyone associated with the Hauppauge High program continued success.

THE INTERSTATE GREYHOUND RACING ACT OF 1991

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SLATTERY. Mr. Speaker, I rise to announce that I am today introducing a bill, the Interstate Greyhound Racing Act of 1991, which will regulate interstate commerce with respect to the interstate simulcasting of greyhound racing. Identical legislation, which I introduced in the 101st Congress, was reported by the House Energy and Commerce Committee last year following a hearing by the Commerce, Consumer Protection, and Competitiveness Subcommittee.

Thirteen years ago a similar bill, the Interstate Horseracing Act of 1978, was considered by the U.S. House of Representatives and passed by a voice vote. The U.S. Senate also passed the Interstate Horseracing Act of 1978 by voice vote. The only major difference between my bill and that passed in 1978 is that today we are extending to greyhound owners the same protections given the horsemen in 1978.

Mr. Speaker, my bill does not require any Federal money. It does not create any new agency of Government and it does not legalize off-track betting. The States legalize off-track betting.

My bill does provide that an interstate wager on a greyhound race taking place in one State may not be placed with an off-track betting office in another State without the consent of the following: the racetrack where the race is to be run, the racing commission of the State where the race is to be run, and the racing commission of the State where the off-track betting office is located.

Consent cannot be given by the racetrack where the race is run in disregard of the interests of the greyhound owners. My bill requires the racetrack where the race is to be run to have a written agreement with the greyhound owners' group, setting forth the terms and conditions allowing the track to give its consent to an interstate wager with an off-track betting system in another State.

This issue was succinctly covered during Senate floor consideration of the Interstate Horseracing Act of 1978 by the then senior

Senator from Kentucky, the Honorable Walter D. Huddleston, wherein he stated:

In essence, this bill regulates the acceptance of an interstate off-track wager that is placed or accepted in one State on the outcome of a horserace taking place in another State.

The bill prohibits such wagering unless all the parties involved in racing—the track, the horsemen, the off-track betting interests, and the racing commissions of the States involved—agree, either directly or indirectly, regarding the terms and conditions of such wagering. This bill will prevent an off-track betting system in one State from using a race in another State without the permission of the parties that have a "proprietary" interest in that race.

Mr. Speaker, I am concerned about reports that greyhound races have been simulcast to interstate off-track betting locations without the consent or agreement of the greyhound owners. These owners have the same proprietary interest as the horsemen, and my bill seeks to protect those interests to the same extent that horsemen are now protected.

I urge my colleagues to join me in support of this legislation.

Few of us are aware that over 26 million people visited the 48 greyhound racetracks in the United States in 1988. Even more important to the 14 States involved was the fact that greyhound racing contributed over $225 million to State and county governments. This figure does not include the millions of dollars produced through payroll taxes and sales taxes generated at the track as well as at local motels, restaurants, gasoline stations, and other greyhound-related businesses.

Greyhound racing is the sixth largest spectator sport in America and it is growing every day. My own State of Kansas has been the home of the National Greyhound Association for many years, but it was not until this year that Kansas, along with Texas and Wisconsin, actually began the planning and construction of 10 new greyhound tracks. Interestingly enough, a greyhound racetrack that generates a handle of more than $500,000 will employ a minimum of 600 people. Greyhound racing is a parimutual spectator sport that creates employment, produces taxes, and provides entertainment.

The sole registry for the racing greyhound on the North American Continent is the National Greyhound Association [NGA]. The NGA is a voluntary, nonprofit association operated in accordance with the laws of Kansas. It was organized in 1906, and its membership today is in excess of 6,000 owners and breeders whose greyhounds compete at tracks throughout the continent. The NGA maintains records of all breedings, litters whelped, individual registrations, transfers, and leases. Their rigid identification system has played an integral role in maintaining the sport's impressive reputation as a creditable, major spectator sport. The NGA is an associate member of the World Greyhound Racing Federation and a charter and founding member of the World Alliance of Greyhound Registries and the American Greyhound Council.

The greyhound has its origins deep rooted in the lands that cradled earliest civilization. Murals and paintings suggest that the greyhound of today was around some 4,000 years ago. He was the subject of art, lore, sport, and entertainment in the ancient civilizations of Egypt, Persia, Greece, Rome, and later in England and Ireland. Cleopatra championed greyhound hunting and coursing—racing, however, it was not until the 1700's that the first formal rules of greyhound coursing were initiated by Queen Elizabeth I. The support of Cleopatra and Elizabeth I has been the basis for referring to greyhound racing as the Sport of Queens.

A TRIBUTE TO NEIL P. ANDERSON

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. DONNELLY. Mr. Speaker, I rise to pay honor to Mr. Neil P. Anderson, who retires today from his position as program manager for base installation security systems, and director of development of the U.S. Air Force Electronic Systems Division, located at Hanscom AFB, MA.

Mr. Anderson is a life-long resident of Massachusetts, and received a degree in electrical engineering from Tufts University in 1956. After graduating from college, he received a commission as a second lieutenant in the U.S. Marine Corps. He served as a field artillery and communications officer until receiving an honorable discharge in 1959.

After leaving the Marine Corps, Mr. Anderson joined Sylvania Electric as a design engineer, where he helped develop radar and electronic intelligence equipment.

Mr. Anderson joined ESD in 1963 in the planning and technology division. As an assistant to the deputy director, he worked on design programs for a wide variety of electronic systems, including command and control, information integration, and high frequency, UHF and satellite communications. In 1973, Mr. Anderson took over as program manager for the Fixed Based Air Traffic Control Radar Program. His work there led to the global deployment of a new generation of airport surveillance radars, precision approach radars, and ground control systems for the Air Force Communications Command.

Mr. Anderson later joined the Physical Security Center of Excellence, and has served as its director of development since 1979. As director, he has been responsible for the planning, development, testing, and production of electronic physical security and monitoring systems which protect nuclear weapons and other Defense Department facilities. The center is also involved in the acquisition and deployment of monitoring equipment used in support of the INF Treaty with the Soviet Union.

During his 30 years in Government service, Neil Anderson has received numerous awards, including 11 for superior performance, and the Air Force Systems Command Certificate of Merit. In recognition of his long service, Neil's friends and coworkers will be hosting a party in his honor. I hope all my colleagues will join me in congratulating Neil Anderson on his retirement, and extend to him our best wishes in his future endeavors.

UNIVERSITY OF WISCONSIN PLAYS KEY ROLE IN SPACE MISSION

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. SENSENBRENNER. Mr. Speaker, I would like to recognize the invaluable contribution of the University of Wisconsin to the success of NASA's recent Astro–1 mission aboard space shuttle *Columbia*. The Wisconsin ultraviolet photo-polarimeter experiment [WUPPE], developed by the University of Wisconsin at Madision, was 1 of 4 astronomy instruments comprising the Astro Observatory.

The objective of the Astro–1 mission was to study the invisible x rays and ultraviolet rays emitted from objects in space. Visible light is but a very small part of the electromagnetic spectrum. Thus, a more complete investigation and understanding of the universe depends upon the study of these other wavelengths which do not penetrate the Earth's atmosphere.

During the course of the 9-day Astro–1 mission, NASA experienced several problems which threatened to reduce significantly the amount of science originally planned for the mission. One such problem involved the failure of the keyboards and video displays on the two shuttle-based computers used to control and operate the Astro Observatory. Consequently, the shuttle astronauts could neither enter commands in the computer to precisely point the telescopes, nor visualize what the telescopes were doing.

However, thanks to the skill and tireless work of scientists on the ground, expecially the University of Wisconsin instrument team, much of the planned science on the Astro–1 mission was salvaged. With the onboard computers dysfunctional, NASA improvised by having Dr. Ken Nordsieck, a University of Wisconsin professor of astronomy, relay commands to the shuttle orbiter. Dr. Nordsieck was selected by NASA to be the alternate payload specialist for the Astro–1 mission. Thus, he was trained to operate all of the telescopes aboard the shuttle. Using those skills and ground based computer displays, Dr. Nordsieck essentially guided the shuttle crew as they pointed the Astro instruments with a joystick.

I commend the University of Wisconsin team for its outstanding contribution to the Astro–1 mission. The Wisconsin team was headed by Dr. Arthur D. Code, WUPPE's principal investigator. Dr. Kenneth Nordsieck was the coprincipal investigator.

CAMPAIGN FINANCE REFORM

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. MILLER of Ohio. Mr. Speaker, I believe one of the most critical issues for the 102d Congress to consider is campaign finance reform. We all realize the importance of this issue, as we just returned from our districts

after participating in very costly campaigns. For the good of this country and institution, we must address this issue in a nonpartisan fashion. We must stay clear of proposals that are bent on helping one political party over the other. We must strive to bring down the costs of elections and bring back competitive elections that allowed both candidates to compete on a more level playing field. Congress must consider this legislation in the full House, under an open rule and open debate.

MEDICAL RESEARCH CAN BENEFIT FROM ENHANCED VA/DOD/MEDICAL SCHOOL BOND

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. EDWARDS of Texas. Mr. Speaker, today I am introducing legislation which would enhance the medical research alliance between the Department of Veterans Affairs [VA], the Department of Defense [DOD], and the Nation's medical schools.

This bill would authorize the Secretary of Veterans Affairs, in conjunction with the Secretary of Defense, to make grants—from new funds—for the establishment of medical research centers at eligible medical schools. The Federal Government would pick up half the tab, the private sector would pay the other half.

The House approved this legislation during the second session of the 101st Congress, but the Senate failed to act. I believe it is imperative that this measure be reintroduced and enacted for the enrichment of our national medical research effort and the resulting improved quality of life for mankind.

VA and DOD have entered into many sharing agreements involving medical personnel, equipment, facilities and, to a limited extent, research. Further, VA enjoys teaching/education/patient care affiliations with more than 100 medical schools. The measure I am introducing today would take this collaborative relationship a crucial step further—into a united quest for solutions to illness and disability.

Grant priority would be given to schools without established research centers and to research involving some of the most pressing medical challenges of our time, including Alzheimer's, cancer and diabetes. The results of this research would benefit veterans and nonveterans alike.

The distinguished chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, has indicated that this bill will be considered early on by the committee since the same measure, essentially, has already received ample scrutiny. The bill is also cosponsored by Representative JOHN PAUL HAMMERSCHMIDT, the ranking minority member of the Veterans' Affairs Subcommittee on Hospitals and Health Care.

Mr. Speaker, in these times of fiscal restraint, it makes all the sense in the world for forces with a common pursuit—particularly one as urgent as medicine—to link not just for cost effectiveness but for the common good. I hope my colleagues will again support this measure.

STATEMENT REGARDING THE DEATH OF BILLY VUKOVICH III

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 1991

Mr. LEHMAN of California. Mr. Speaker, on November 25, 1990, Billy Vukovich III of Fresno died while taking practice laps at Mesa Marin Raceway, in Bakersfield. Billy was the third generation of Vukovichs to be successful race car drivers. His grandfather won the Indianapolis 500 twice and his father raced in it 12 times. In 1988, after finishing 14th at Indy, Billy was honored as Rookie of the Year.

Billy was a great race car driver, but his life was about more than just racing. He followed his passion, just as his father and grandfather had done. He lived his life to the fullest. He was kind to those around him, respected his family, and was true to his friends.

His life may have been short, but it was a success. Not by the measure of prize money or how he placed in his last race, but in the hearts of all that knew him.

A recent New York Times article on Billy recounts a conversation he had with his friend, Ken Coventry. "I don't have a problem with getting in the car because I'm right with the Lord and I know where I'm going." We grieve at such a loss and console his family, but are certain that Billy has reached his destination.